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Analysis of State Government and Politics
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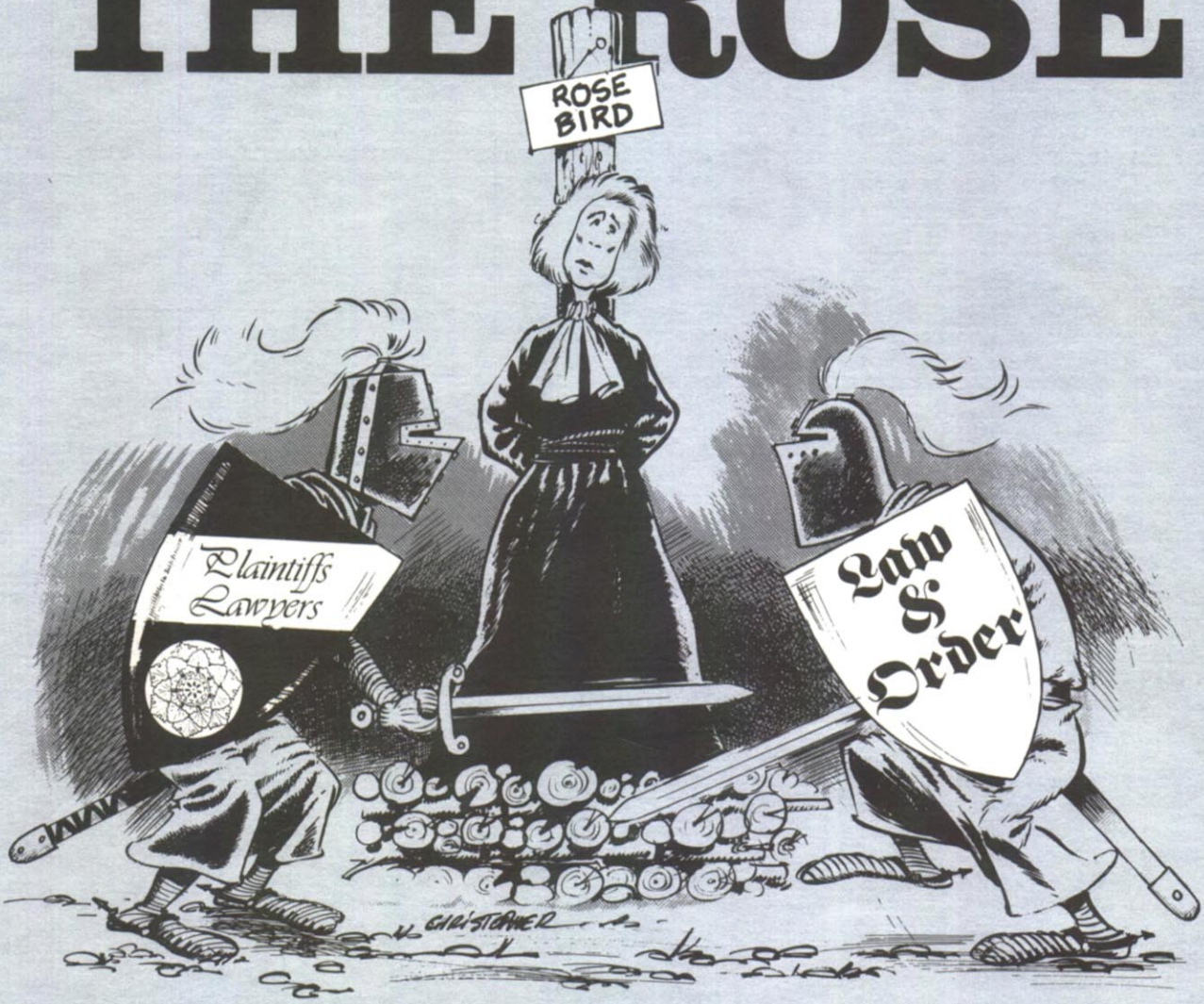
INSIDE:
An interview
with David Roberti

1986: THE WAR OF THE ROSE



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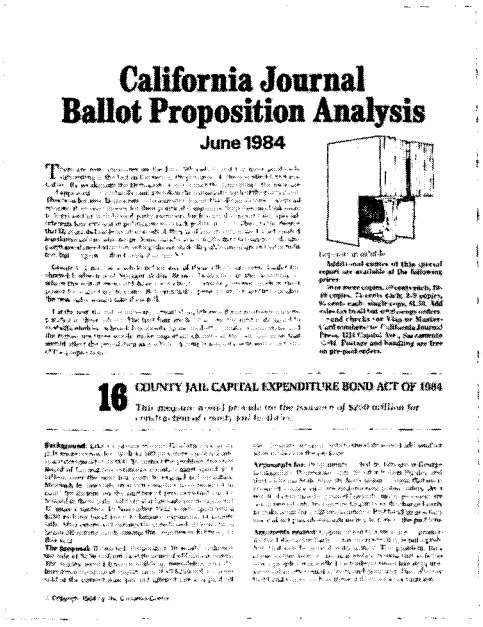
California Journal
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June 1984

16 COUNTY JAIL CAPITAL EXPENDITURE BOND ACT OF 1984

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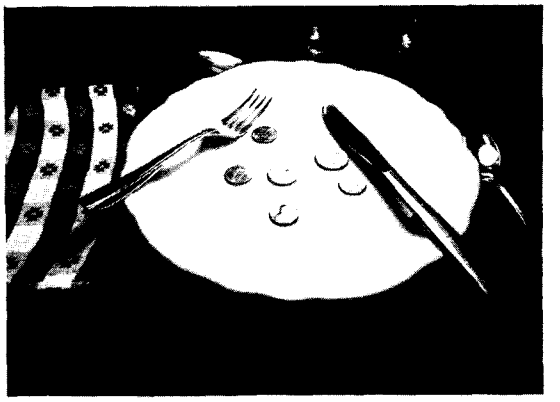

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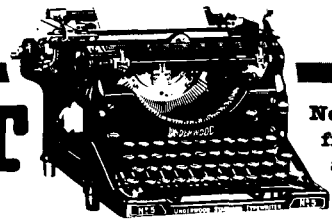
UP FRONT



Notes and Items from Contributors and the Journal Staff.

Governor George Deukmejian raked in about $1 million from two major fund-raising dinners this year — but he has also returned contribution checks to some of his biggest boosters. Seems the governor, who already has declared intent to seek a second term in 1986, will not accept campaign donations from the people he has appointed to high-ranking positions in his administration. Thus he returned several $500 checks (the governor's office couldn't say how many) to agency secretaries and department directors who bought tickets to the fund-raisers. That's in stark contrast to the administration of Democratic Governor Jerry Brown, whose appointees were encouraged to contribute to the man responsible for their jobs. Bob Taylor, a spokesman for Deukmejian, said that a memo was being sent "to people in exempt (from civil service) management slots, that the governor would prefer they do not contribute to his campaign fund." Taylor said Deukmejian, who had a similar policy as attorney general, wants his appointees "to feel they were hired not because of what they do for him, but because of what they can do for the state."

(Ron Roach, San Diego)

Californians beware! If New York is any indication (and it is since its primary is closest to California's in size and media madness) be prepared for candidates going to the most extreme heights (or depths) to make the news. There was the day about a hundred reporters were packed onto a flat bed truck and driven alongside Gary Hart as he jogged through Central Park. Every fifty feet or so, someone would warn, "Branches!" and the press would duck to avoid the upcoming trees. Hart's "jog" lasted a mere half mile (hardly enough to work off the pasta he'd only just consumed in Little Italy) but it was enough and had the desired effect.

(Michele Willens, New York)

The "60 Minutes" profile of Assembly Speaker Willie Brown that aired April 1st contained one little surprise: Republican Assemblyman Pat Nolan as spokesman for the opposition. Why didn't CBS go for one of the speaker's better known adversaries, like Governor Deukmejian or minority leader Bob Naylor? CBS producer Al Wasserman replies that Nolan came recommended as a "conservative with a sense of humor." The Brown segment, Wasserman continues, was supposed to be a personality profile, not an evaluation. "We wanted a light touch," he explains. Who says Nolan has more sense of humor than Naylor or the governor? Wasserman wouldn't say, but some think it was the speaker, showing off his.

Ah, how fleeting fame. But nine days after his profile on "60 Minutes," Willie Brown's television career suffered a major setback. During opening scenes at the Academy Awards, ABC showed various stars entering the Dorothy Chandler Pavilion in Los Angeles. There, midst them all, was the smiling Willie Brown. Unfortunately, the announcer identified him as Quincy Jones.

State GOP chairman Ed Reinecke is using some rather unique math to show that the current Democratic reapportionment shafts Republicans. For instance, his April 9th press release called attention to the fact that in 1982, Democratic congressional candidates got only one percent more votes than did GOP candidates. But, complained Reinecke, "as a result of those elections, Democrats now hold almost twice as many seats in the California delegation . . . there are 28 Democrats and only 17 Republicans." Actually, Democrats hold only two-thirds as many as twice as much. And of course, there's the other side of this coin: In 1982 the GOP candidate for governor received only one percent more than did the Democratic candidate, but Republicans hold 100 percent of the governorship.

Roberta Weintraub, she of the Los Angeles Board of Education, has some heavy opposition these days — not in politics but in show biz. Since October 1983, Weintraub has hosted "School Beat," an education-oriented interview show on LA's channel 9 (KJH-TV). But because of her prime-time slot (Sunday evenings from 9:30 to 10), she's aired opposite such as "The Day After," "On Golden Pond" and "George Washington." To compete, Weintraub has brought in such TV powerhouses as Governor Deukmejian, Schools chief

Bill Honig, the Reverend Jerry Falwell and Assembly Speaker Willie Brown. ABC, no doubt, is quaking in its boots.

Assemblywoman Maxine Waters has been named by *Mother Jones* magazine as one of the 10 best state and local officials in the nation. In its February/March issue, the magazine — known for liberalism and muckraking — says the Los Angeles Democrat is tough, effective and a respected power broker. Honorable mentions went to Democratic Assemblyman Tom Bates of Berkeley and Vice Mayor Ann Evans of Davis.

UC-Berkeley's proposed $44 million Life Sciences Building has been put on hold because of mounting troubles over the school's animal-care program. In February, the campus had its laboratory accreditation yanked by the American Association of Laboratory Animal Care because of unsanitary conditions and poor personnel training. In April the U.S. Department of Agriculture, citing violations of the Animal Welfare Act, threatened to shut down the animal labs and fine the university up to $12,000 if conditions do not improve. Campus Chancellor Ira M. Heyman has hired Dr. Alfred Edward, a nationally recognized expert on animal care, to shape up the school's program. Meanwhile, the Legislature — with an eye on the volatile issue of using stray animals in lab research — has withheld funding for

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the Life Sciences Building pending its own investigation and reinstatement of the AALAC accreditation.

(Robert Feinbaum, Berkeley)

We apparently misunderstood political consultant Clem Whitaker Jr. a while back and thus said in last month's issue that he had been retained by Democrats to fight the Gann initiative. Tain't so, he says. He's working against the measure as a "citizen volunteer."

Joe Pollard, Washington lobbyist for Los Angeles County, is retiring after 18 years on the job. Known for his warm personality, Pollard drew lots of praise during a recent retirement luncheon, including a message from President Ronald Reagan. With his wife, Doris, and two daughters, he will settle in the northern foothills at Grass Valley.

(Jerry Jeffe, Los Angeles)

Assemblyman Richard Robinson recently paid for an unusual full-page ad in *The Sacramento Bee:* The FBI's wanted poster for Christopher Bernard Wilder, sought in connection with the disappearance and murder of several women. Robinson acted because one of Wilder's recent victims is thought to be a 17-year-old cousin of the lawmaker's wife. The young woman, Michele Korfman, disappeared April 1st from a Las Vegas shopping mall. FBI agents told Robinson that Wilder might be in the Sacramento area and that an ad might help track him down. Appearing April 11th, the ad cost over $4000. Wilder, of course, was killed a few days later in a New Hampshire shoot-out — far from Sacramento.

ROBINSON

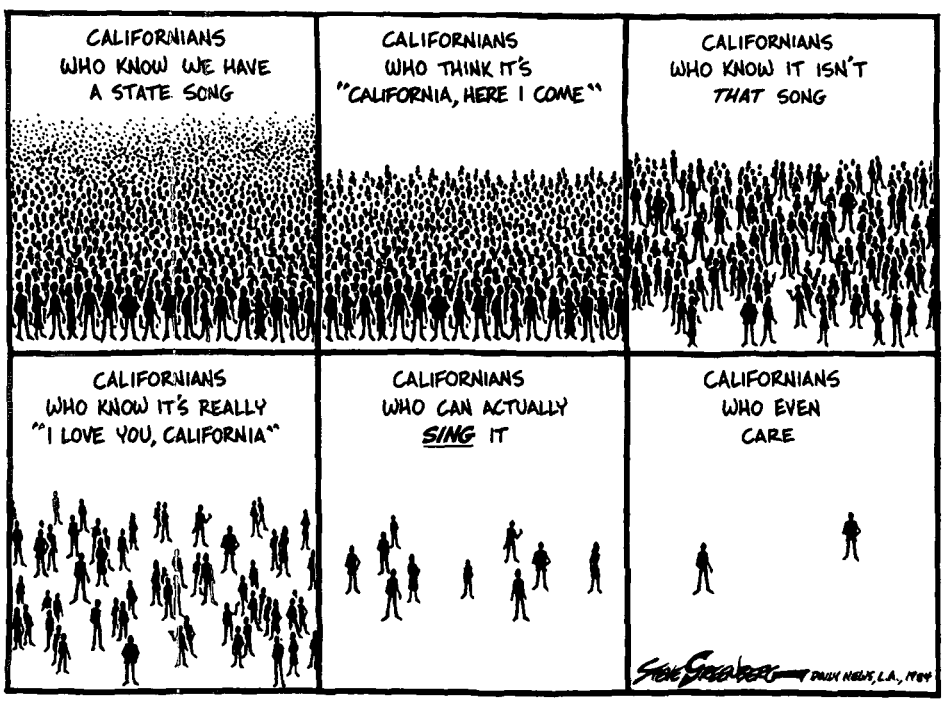
U.S. Senator Gary Hart still needs work in the name recognition department. When an information operator was asked recently, "Could you give me the number of Hart for President?" she paused and replied, "Do you have a first name?"

(Joan Reiss, Sacramento)

Just because you work in a library doesn't mean you should be the mousy type, says state librarian Gary Strong. To assure that his staff is unmistakenly unmousy, Strong recently brought in a consultant to teach the proper way to roar. Actually, says Strong, it was a matter of teaching "improved communications skills," things like effective breathing during a speech, making use of the pause and maintaining good eye contact. About a year ago, Strong himself underwent far more rigorous training, practicing before a video camera to polish his confrontational skills. As a result, he says, he is better equipped to handle, for instance, legislative budget committees whose questions may, as he says, "attack your very existence." What specifically did he learn? "To stop and think before you open your mouth," he replied.

Democratic Assemblyman Willie Brown has introduced a resolution to move the Baseball Hall of Fame to Hoboken or Jersey City. Brown thinks either is more appropriate than the Hall's present home in Cooperstown, New York. Hoboken, he says, was the site of the first organized baseball game back in the 1840s, while the first integrated game in modern times took place in Jersey City when Jackie Robinson debuted there during the 1946 season. Assemblyman Brown, of course, is Willie B. Brown who represents Newark in the New Jersey Legislature.

We're adding a feature with this issue. Called "Capitol Month," it's to run near the back of the magazine and will summarize major state events from the preceding 30 days. We hope it will help readers in the future by allowing them to verify important dates or to simply give a sense of California's governmental and political flow. The editor's column, "Capitol Review," will continue as a mixture of analysis and opinion.


CALIFORNIANS WHO KNOW WE HAVE A STATE SONG
CALIFORNIANS WHO THINK IT'S "CALIFORNIA, HERE I COME"
CALIFORNIANS WHO KNOW IT ISN'T THAT SONG
CALIFORNIANS WHO KNOW IT'S REALLY "I LOVE YOU, CALIFORNIA"
CALIFORNIANS WHO CAN ACTUALLY SING IT
CALIFORNIANS WHO EVEN CARE
STEVE GREENBERG DAILY NEWS, L.A., 1984

"The modern pseudo-democratic statesman, who says that he is only in power to carry out the will of the people, and moves only as the cat jumps, is clearly a political and intellectual brigand."

— George Bernard Shaw

Come across a blurb lately that's nosy, newsy or smart-alecky about California government, politics or politicians? Share it with the Journal. *We pay up to $25 for entertaining tidbits published in "Up Front," so rush your items to Up Front, 1714 Capitol Avenue, Sacramento 95814.*

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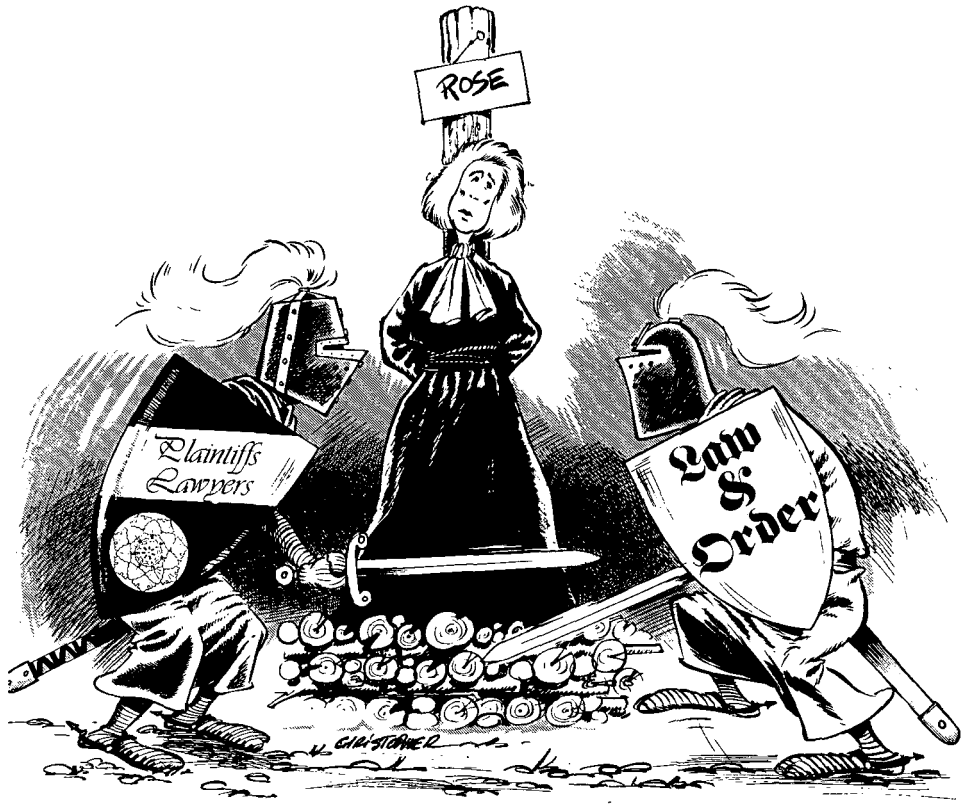
Rose Bird's reelection fund draws money from trial lawyers



By ROBERT FAIRBANKS
and ANDREW MANN

Back in 1978, when she first sought voter confirmation, California Chief Jusice Rose Bird would have nothing to do with the nasty business of raising campaign cash. Despite heavy opposition from hardline conservatives, Bird not only depended on others to form fund-raising committees on her behalf, but she granted few interviews, sent no mailings and generally behaved as though she were above the political fray. The dignity of her office, she apparently believed, required nothing less. Eventually, of course, she won confirmation, but with the smallest percentage of approval (51.7) in California judicial history.

Despite the poor performance, Bird might have continued on her course if the controversy surrounding her had begun to subside. But it did not. There was an unsuccessful attempt to remove her from office through a recall in 1981, and other recalls (also to prove unsuccessful) were in the wings. So it is not surprising that Bird had a change of heart. In May 1982 she formed her own political action committee (PAC) to receive and spend campaign money.

Robert Fairbanks is editor of the Journal. *Andrew Mann, a reporter for the* Daily Star Progress *in La Habra, did research for the article as a* Journal *intern.*

Bird's PAC is called the "Committee to Conserve the Courts" and according to state capitol veterans, it is the first ever to be created by a justice of the Court. Bird has declined to discuss her role in the actual business of gathering funds. About all that is known is that the names of contributors are routinely sent to her Supreme Court office, ostensibly so that unwanted contributions (those from attorneys and clients with cases before the Court and from judges) may be identified and returned.

Although Bird may have formed the PAC to combat recalls, she is looking now toward November 1986 when another big battle is expected over the Court (see "Capitol Review," page 181). Bird's name will be on the ballot again as she seeks confirmation to a full 12-year term. Four other justices will be seeking confirmation also, but the fight undoubtedly will center on Bird, best known of the liberal, judicial activisits who dominate the Court. To many conservatives, she has become a symbol for all that they believe is wrong with the Court.

According to campaign finance reports filed with the secretary of state, Bird's committee raised over $225,000 through the close of the last reporting period on December 31, 1983. Most of the money came from the legal community and more than 85 percent of it came in chunks of $1000 or more. In all, there were 80 givers in the $1000-plus range and all but nine were identified as law firms or individual attorneys.

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Although not all of Bird's big givers have their legal specialities listed in the *Martindale and Hubbell* directory of lawyers, there were enough (over 40) to make a representative sample. Essentially, it showed that Bird's contributors do not make a cross-section of California's legal community. There were few prosecutors, corporate attorneys, probate specialists, etc. among them. A majority of Bird's big givers are so-called "plaintiffs' attorneys;" that is, firms or individuals who deal in personal-injury lawsuits or make them their single specialty.

Regardless of their stated reasons for contributing to Bird, plaintiffs' attorneys have a strong financial interest in keeping her and her liberal colleagues on the Court. This is so because the Court's liberal majority over the years has greatly expanded the right to recover damages for personal injury and has relaxed many of the legal rules. In a study of the Court's 1982 decisions, for instance, UC law professor Stephen R. Barnett pointed to cases in which the Court expanded the right to recovery *(Peterson vs. Superior Court)* and made recovery easier through relaxation of rules *(Juarez vs. Superior Court)*.

But more important from the attorneys' point of view is another policy of the Court's. Barnett, whose study appeared in the July 1983 issue of the *California Law Review*, said in a recent interview that the Court not only is expanding the right to recover damage awards but also is allowing increases in the size of damage awards, well beyond whatever may be the victim's actual out-of-pocket loss. Whatever the good or harm that this policy has for society as a whole (there are arguments on both sides) there is no doubt that it benefits plaintiffs' attorneys by assuring them of bigger fees.

This is so because plaintiffs' attorneys nearly always work for a contingency fee; that is, they take a percentage — sometimes as much as half — of whatever damage award the client may receive.

Deep pockets

These court policies began long before 1977 when former Governor Jerry Brown appointed Bird to the Court. Many observers say the movement began in 1960 when the Supreme Court abolished the doctrine of sovereign immunity, thus allowing individuals to sue and collect from government agencies. But whenever the actual beginning, the Bird Court has continued the policy and has added some controversial embellishments of its own. (See "Deep pockets," page 183)

Prominent legal scholar Bernard Witkin of Berkeley says that the Court is merely following the liberal tradition of reforming the law to keep pace with the economic and social beliefs of the time. While expressing reservations about some recent decisions, he says he does not believe that California has a "runaway Court which freely dispenses with precedent."

But others take a different view. Law professor John G. Fleming of the UC law school at Berkeley (Boalt Hall) contends that the Court has gone too far in its handling of torts. (A "tort" is the wrongful act that generates a personal injury suit.) "What they are trying to do is to convert the tort system into a system of social welfare," says Fleming, a specialist in tort law. "If the idea is that everyone should be compensated, that decision should be made by the Legislature after it considers what we can afford," he says.

In any case, prominent plaintiffs' attorney Robert Cartwright of San Francisco was not surprised to be told that

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a majority of Bird's biggest contributors are plaintiffs' attorneys. Cartwright is a former president of the California Trial Lawyers Association, the organization that is largely composed of plaintiffs' attorneys and generally represents their interests. He told the *Journal* that he and several other prominent members of the CTLA decided in 1982 to help Bird raise money to fight the recall efforts that were being launched against her.

"We feel that it's a terrible thing for any segment of society to try to politicize the Court. The courts should be free from political threats," he said.

Cartwright, who gave Bird $2500, described the chief justice as "a person with a great deal of conscience, empathy and feeling for the people." The persons who would like to do her in, he said, are manufacturers and others with a profit motive who don't like the decisions coming from the Court. "Their defective products might be eliminated," he said.

(Although manufacturers may dislike many Court decisions, the recalls against Bird have been launched by law-and-order conservative groups that dislike her liberal decisions affecting criminal law. After the first recall in 1981, there were another three in 1982. The last was led by Howard Jarvis, who accused the Court also of punching loopholes in Proposition 13. Bird used part of her campaign money — about $10,000 judging from her financial reports — to sue the Jarvis group, contending that it was improperly using a low-cost mail privilege. A judge agreed, and the Jarvis effort folded.)

Self-interest

When asked about the trial lawyers own self-interest in keeping Bird on the court, thus increasing their chances for bigger fees, Cartwright conceded that the self-interest exists. "But," he said, "most of us are sincerely dedicated to helping the little man against those who would eliminate the right of people to protect themselves."

Cartwright also contended that the term "plaintiffs' attorney" is not entirely accurate. Although most clients of trial lawyers are plaintiffs — the persons who make the charges and file the lawsuits — a trial lawyer's client might also be a defendant. Thus, he said, he and others like him should be called "people's attorneys."

Whatever the name, most other Bird contributors echoed Cartwright's words. Typical was this from Los Angeles attorney Maurice Harwick, who contributed $1000. "I don't like the use of political pressure to push judges to vote in a certain way. When you start to recall judges for any reason other than misconduct or malfeasance, then you're out of line." Harwick, like several others, added that he would also give money to protect conservative judges if they were under similar attack.

Harvey R. Levine of San Diego, who gave $2000, said, "The attacks (on Bird) exploit the lack of knowledge of the people." Michael G. Noland of Los Angeles, who gave $5000, called Bird a "superb justice."

John P. McKay of Los Angeles is not a plaintiffs' attorney and in fact specializes in defending against them. But he gave $1000 and explained, "I don't think judges should always have to worry about the political ramificiations of their decisions."

Like Cartwright, Joseph G. Hurley of Los Angeles, sees himself not as a beneficiary of Court decisions but as the Court's ally in a battle to protect "the little guy." "Everybody I represent is some poor little devil without money who needs help," he declared. His $1000 contribution to Bird, he said, was a "civic duty."

Vernon W. Hunt of Santa Ana, another of the prominent trial lawyers who helped organize the effort to help Bird, said that he initially opposed her appointment to the Court and supports her now because he believes that a justice should be judged on the issue of competency, not political views. His self-interest, he said, is not involved.

The current president of the trial lawyers association is Los Angeles attorney H. Greig Fowler, whose firm gave $2500 to Bird. When asked about the trial lawyers' self-interest in keeping Bird and her liberal colleagues on the Court, he replied, "I can see an interest in maintaining a status quo." However, he indicated that trial lawyers were acting less from personal interest than from respect for the California Court. The Court, he said, has led the way in making progressive decisions that help people who are injured.

A potent lobby

Many of the trial lawyers who contribute to Bird also contribute heavily to members of the Legislature. In fact, their heavy campaign contributions (made through the trial lawyers own PAC) has made the CTLA into one of the most potent lobbying forces at the Capitol. (Members of the Los Angeles law firm of Greene, O'Reilly, Agnew and Broillet, for instance, gave Bird $34,000 in 1982 and gave $25,000 to the trial lawyer PAC the following year.)

In Barnett's above mentioned study of the Court's 1982 decisions, he does not mention the trial lawyers by name but shows how their clout in the Legislature is enhanced by policies of the Court. Barnett, who teaches at Boalt Hall, begins by noting that the traditional role of the high Court is to update legal principles contained in common law and the constitution. Thus, he finds, "It is striking that the California Supreme Court's tradition of innovation and creativity — and Chief Justice Bird's self-described philosophy as a 'liberal, progressive judge' — were manifested in 1982 not nearly so much in common law or constitutional decisions as in decisions interpreting statutes."

Since statutory interpretations may be overturned by the Legislature, the Court's influence may seem to be small. But in practice, Barnett says, the Court often interprets statutes in a way that one group in the Legislature wanted initially but lacked the votes to get. However, once the interpretation is made, the other side lacks the votes to override what the Court has done. "Hence, the Court's decision decisively tips the legislative balance and fixes the statute's form," he says.

Barnett's scenario is often played out between the trial lawyers and their frequent opponents, a collection of business, professional and other groups known together as the Association for California Tort Reform. The two groups have been fighting most recently over the issue of "joint and several liability," under which government agencies, large corporations and other so-called "deep pockets" pay large damage awards because they have money and not because they have inflicted a great degree of harm. As Barnett's scenario indicates, the trial lawyers could not have gotten the kind of law that the Court interpretation has created. But now that the Court has acted, the CTLA has the clout to prevent the tort reform associaton from getting a legislative change.

Barnett's study of the 1982 cases attracted some press attention last year because of his final conclusion that the California Court lacks judicial neutrality. The Court, he said, has been "indulging its policy predilections."

"The judiciary indeed deserves and needs sanctuary from political attack. But it cannot expect that protection unless it observes the limits of the judicial function and adheres to the 'rule of law.' The decisions of the California Supreme Court in 1982 were creditable in a number of ways, but they also give reason for concern that the Court is inviting the attacks of which the chief justice complains," he concluded.

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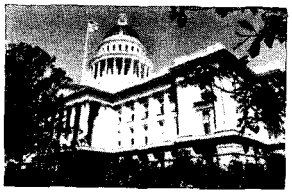

Capitol review

Rose Bird

Chief Justice Rose Bird, who faces another election campaign in 1986, sent forth her first fund-raising letter a while back. Although it is not signed by her, it's hers nonetheless, as will be explained. Meanwhile, one can only read it and hope that her style improves. One should get more than a barrage of simplicities from the Chief Justice of the State of California.

The letter read as though sinister special interests are about to destroy justice and the courts; all the better for them to ravage the environment, fleece the consumer and enslave the populace. In truth, the people preparing to oppose her reelection are led by the familiar law-and-order type conservatives who contend that Bird and her liberal colleagues have not been tough enough on criminals. The fight is important and deserves all the discussion it has gotten and will continue to get. But Armageddon it is not. If Bird is defeated, the governor will appoint another jurist — no doubt more conservative — to replace her. But the replacement will have been screened by the State Bar and approved by the Commission on Judicial Appointments, and life will go on. True, the defeat of a Supreme Court justice would be a first in the state's political history, providing capstone evidence that the highest court is not immune to electoral politics. But voters have been saying as much since 1966, when confirmation margins for justices began to decline. Regardless of how one feels about this politicization of the courts, it's too late now to make the vote on Bird into a referendum on that issue. If Rose Bird wins or loses, it will be because of her record and how she handles herself.

Deceptive

Thus, it is unfortunate that her letter also is deceptive. It reads as though it comes from some high-minded group of independent citizens who call themselves the "Committee to Conserve the Courts," and who are more interested in truth and justice than in the judicial career of one Rose Bird. But there is no such group. According to campaign finance reports filed with the secretary of state, the "Committee to Conserve the Courts" was created by and is controlled by Bird.

Continued on next page

Committee to Conserve the Courts
Post Office Box 160566
Sacramento, California 95816-0566
I.D. #821869

Dear Friend:

A fair and impartial judiciary. Something California is blessed with. Something worth fighting for.

And that's just what we're going to have to do. Because once again, justice is under attack in California. And, once again, that attack is focusing, unfairly and unjustly, on our Chief Justice.

Why the Chief Justice? As was admitted in the previous attack on the judiciary, ". . . We use her because it's a convenient symbol. . . . She is no different than the men on the court. She is simply a convenient focus. She's a perfect symbol."

Who is this special interest group? It is a heavily financed group upset at court decisions protecting the environment, the consumer, and individual rights. It is dedicated to destroying the 194-year-old American tradition of a fair and impartial judiciary. The judiciary was wisely created by our Constitution as a separate branch of government intended to check potential excesses and help ensure a society where equal justice under the law is a reality.

Why have these attackers decided to tamper with our judicial system? Because they want political power over the courts for their own ends. Because they want courts that play favorites instead of playing fair. A spokesman for the prior campaign against the Chief Justice admitted the purpose of the attack on her, "This is an attack on the state courts and tomorrow we will attack the federal courts."

And this time they are playing for keeps. This time, they are making plans and raising funds three years in advance. This time, they have hired Bill Roberts to put together a political campaign to defeat Chief Justice Bird in 1986.

This is the sort of threat we are facing. And that is why we are asking for your help today.
We have a Chief Justice who has done her job with fairness, with courage, with dignity, and with distinction. And if this fine jurist can be defeated for having done her job so well, then never again will any judge be safe from cynical political attacks.

The Committee to Conserve the Courts urgently needs your financial support. Bill Roberts and his wrecking crew are planning an all-out assault. And that means lots of media and the money to buy it.

We must not let them win by default. We must be ready to answer them in kind. We must have the resources to let the truth speak for itself.

In asking for your help, we realize that there are many things we cannot offer. We cannot offer access. We cannot offer influence. We cannot offer power. All we can offer is justice — fair and impartial, pure and simple. And that, in a democracy like ours, can make all the difference.

Please, help us make that difference. Please send your contribution today.

Sincerely,

Martin Huff
Treasurer

Nothing is more important for the state and nation than an independent and impartial judiciary. We hope that you will join in preserving that for California by helping to retain Chief Justice Rose Elizabeth Bird on the Court.

Phil S. Gibson — Chief Justice of California (retired)

Anthony Murray — President, The State Bar of California 1982-1983

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Continued from previous page

The signer of the letter is committee treasurer Martin Huff, former executive officer of the State Franchise Tax Board and friend of Bird's for the past 24 years. When asked about the "we" of the letter; that is, the persons who ostensibly did the writing, he replied: "That's the royal 'we'. No candidate says 'I'; he says 'we'."

The other two signatories are not signers of the letter. The wife of former Chief Justice Phil Gibson says that the statement above his name ("Nothing is more important etc.") was one he made several years ago to help defend Bird against a recall, and he gave permission for its use again. She said that her husband, who has suffered a stroke and could not be interviewed, did not sign the letter because he did not want to be associated directly with a fund-raising attempt. Murray, who gave the other signature, says he was asked to endorse the statement by someone from Bird's office.

Since the committee letterhead carries an identifying number, any reader who knows what that number means could go to the secretary of state's office, ask for documents relating to that number and learn that the committee is controlled by Bird. But as Bird no doubt knows, few readers are likely to do so.

In misleading readers this way, Bird is hardly alone. Many special-interest lobbying organizations mask themselves with noble-sounding titles. Thus, a political action committee (PAC) formed by the trucking industry is known as "Concerned Americans for Responsible Government" and the Glendale Federal Savings Association PAC is "The Association Committee to Improve Our Nation." But the fact that others do it doesn't mean that the Chief Justice should do so as well.

None of this is meant to criticize Bird for having formed a PAC to raise money in her own defense. None of her predcessors faced such strong opposition (which is already organizing to defeat her). But she could be much more honest about it all. After signing her own letters, she could start dealing with the major issues involved. Why is she reluctant to impose the death penalty? Why should criminals go free because of a police blunder in making the arrest? These are not subjects that a justice usually talks about but they would be better than the simplicities being issued now. Also, Bird might find that the public is more thoughtful and capable of making wise decisions than she seems now to believe.

Robert Fairbanks

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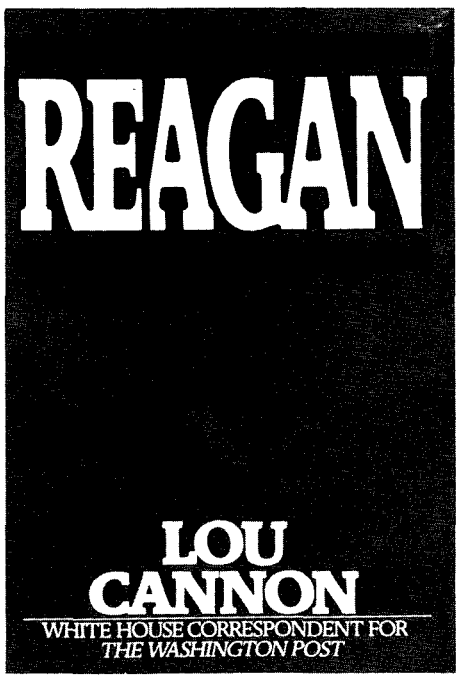

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— John Chancellor

Cannon, who is the former Washington correspondent for **California Journal,** has also authored **Reporting: An Inside View** and **Ronnie & Jesse: A Political Odyssey.**

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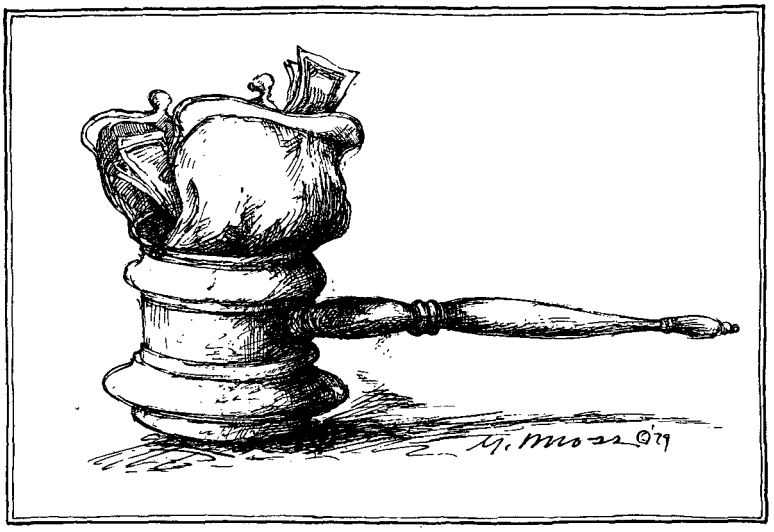
Supreme Court decisions create controversy over damage awards

By ROBERT FAIRBANKS and ROBERT DEEN



The twisted wreckage in the intersection and the ambulance nearby told a tragically familiar story: an accident; someone had been hurt. In this case, it was a young motorcyclist in Escondido. His legs are paralyzed now, for life.

A decade ago, the young man would have had to rely on family, friends and/or government for the love, support and whatever training he might have needed to recover and — with luck — lead some sort of productive life. Having been largely responsible for the accident (he had proceeded uncautiously into the intersection), he could not have expected to help himself by filing a lawsuit and collecting a damage award.

But the state Supreme Court has changed all that. In a series of rulings over recent years, it has given many accident victims the hope of collecting large damage awards despite their partial fault. Even after the attorney takes his fee — which might be anywhere from one-third to one-half of the money — there is usually enough money left to grant the injured person a measure of independence that could not otherwise be achieved.

But the Court decisions have generated an intense controversy. For the question is: Who shall produce the money that gives the attorney his fee and the victim his measure of independence? Essentially, the Court has replied that the money must come from whatever other persons had some responsibility for the accident. But also it has said that if one or more of them has no money, then whoever among them has some wealth must pick up all the costs. Legally, this is known as the doctrine of "joint and several liability."

As a result, persons who have been peripherally involved in an accident, and may have been less responsible for a victim's injuries than was the victim himself, are nevertheless required to give the victim (and his attorney) large sums of cash. As might be expected, they also are complaining loudly that the situation is excedingly unfair.

Who pays?

Who are these persons? Actually, most are not persons but entities: city, state and county governments, large corporations, insurance firms and others with an ability to pay. In the law business, they are known as "deep pockets" and — as they see it — they are being dragged into lawsuits on trumped-up charges only because they can be forced to pay big damage awards. More formally, they are organized as the Association for California Tort Reform, which describes itself as a "broad-based coalition of cities, employers, professionals and insurance companies." (In law, a "tort" is the wrongful act that becomes the subject of a damage claim.)

But association attempts to modify the doctrine of "joint and several liabilty" have had little success. Modification bills failed in the Legislature in 1979 and 1982. This session's version (SB575) is still alive but its prospects are not good.

The tort association's big opponent is the California Trial Lawyers Association, the organization that represents the attorneys who handle personal injury suits and who — under contingency fee arrangements — take a substantial share of each damage award. Essentially, the trial lawyers contend that justice is better served by reaching into the "deep pocket" than it is by having an accident victim (like the paralyzed motorcyclist) get little or nothing at all. When deciding the issue in 1978, the Supreme Court expressed the same sentiment this way: " . . . abandonment of the joint and several liability rule would work a serious and unwarranted deleterious effect on the practical ability of negligently injured persons to receive adequate compensation for their injury."

At this point, it's important to note that the doctrine of "joint and several liability" has been around for hundreds of years. The current controversy results from the fact that it is being applied under new circumstances. To understand the background, one must begin in 1975 when the Court — in a landmark decision (*Li vs. Yellow Cab*) — abolished the age-old rule of "contributory negligence." This was the rule that said persons who help cause their own injuries — like the motorcyclist — cannot recover damages.

In place of "contributory negligence" the Court established a new rule. Called "comparative negligence," it said that persons like the motorcyclist could sue and recover, though the recovery would be reduced by some percentage equal to the victim's degree of fault. For instance, if a victim was awarded $1 million and the jury found him 30 percent at fault, he would be entitled to $700,000 ($1 million minus $300,000).

The practical effect of this new circumstance was to open the door for thousands of lawsuits that otherwise would not have been filed. And, as the door opened, the risk for "deep

Robert Fairbanks is editor of the Journal. *Robert Deen is employed by a Sacramento public relations firm whose clients include the League of California Cities.*

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pockets" increased, causing several to ask for abolition of the "joint and several liability" rule. If this were done, then each defendant would be responsible only for paying a share of the damage award equivalent to his degree of fault. No "deep pocket" could be made to pay the costs for all.

But in 1978 the Court refused (*American Motorcycle Association vs. Superior Court*). As indicated above, the Court declared that it is just for a "deep pocket" to pay. "One of the principal by-products of the joint and several liability rule is that it frequently permits an injured person to obtain full recovery for his injuries even when one or more of the responsible parties do not have the financial resources to cover their liability . . ," the Court said.

To date, the loudest "deep-pocket" complaints have come from California's city governments, many of which have been named in lawsuits arising from traffic accidents. In most cases it is charged that the city is at least partially responsible for the victim's injuries because it permitted some hazard to exist on its streets. City officials have many stories to tell, including that of the motorcyclist in Escondido.

The accident occurred at a city intersection in 1982. The motorcyclist came into the intersection from a street that had a stop sign on the corner. The automobile that struck him was on the cross street and had the right-of-way. The motorcyclist's attorney says that his client was partly at fault for the accident, but says that others were also to blame. Thus, the motorcyclist's $3 million lawsuit contended that the car that hit him had been speeding and that the City of Escondido had negligently built a retaining wall near the corner that had obstructed the motorcyclist's view.

The case was never tried. The auto driver took the common course and settled for $50,000 (the limit of his insurance coverage) rather than risk a trial. Although the city contended that the accident was almost entirely the result of the motorcyclist's own carelessness, it nevertheless settled for $1.1 million. According to city officials, they feared that if a jury found the city even minimally responsible, the city would end by paying the entire claim (except for the $50,000 from the auto driver).

Not all cities have settled so quickly, though some might wish they had. In the City of Signal Hill, for instance, another injured motorcyclist, who had been caught between two-colliding cars, contended that the city was partly responsible because the street on which the accident occurred was not quite as wide as it should have been. The city refused to settle and ended as the "deep pocket" for a $1.5 million award.

According to the League of California Cities, there have been these cases also:

— A young girl, learning to drive and behind a steering wheel for the second time, was seriously injured when she pulled onto a public street and was hit by a car. Because a row of shrubs allegedly obscured her vision, Redondo Beach has been ordered to pay a $3.6 million jury award.

— When the brakes failed on an 11-year-old's new bicycle, he lost control, crossed into an on-coming lane of traffic and was struck by an automobile. A bush on private property allegedly prevented the boy and driver from seeing each other. Because the city of Los Angeles had an easement over the property for possible future street widening, the city was sued for failing to make the property owner cut the bush. Los Angeles must pay $1.7 million of a $2.5 million verdict.

— A young girl in Laguna Beach was struck while riding a bicycle down the wrong side of a city street. Shrubbery on a homeowner's lawn allegedly obscured the driver's vision. The driver and homeowner settled claims against them for the limits of their insurance policies. Laguna Beach feared it might be considered marginally responsible for the injury, but totally responsible for a judgment in excess of $6 million. The city settled for $3.9 million.

Peter Hinton, legislative vice president for the trial lawyers association, replies to all this by declaring first that "The law in California is that defendants can't be held responsible unless they contributed in a way that the accident would not have occurred otherwise, and that's what juries are told in these cases."

Deep-pockets lawsuits also serve the public, Hinton says, by forcing cities and counties to correct dangerous road conditions and defects that are a hazard to public safety. Hinton

Roberti and the deep pocket

Senate President Pro Tem David Roberti was involved in an auto accident several years ago that has placed him among those who would modify the "joint and several liability" rule. It seems that the senator was driving to his Sacramento home late one night — having just flown in from Los Angeles — when two young women on a motorcycle collided with is car. The driver was drunk and relatively unharmed, but her passenger suffered serious injuries, including a broken leg.

Eventually, the passenger filed suit against the driver, the bar that had served liquor to the driver and — since Roberti was in a state car — the State of California. According to Roberti, the bar got out of the case by settling for $25,000 (the limit of its insurance coverage). This left the state and the drunken driver facing a $500,000 claim. But the driver had no insurance, meaning that the state could become a "deep pocket" in the case and be forced to pay the entire amount if a jury were to find that the state was even minimally at fault.

But Roberti refused to settle and in late 1982 went to a jury trail. In court, he contended that he was totally innocent and that the drunken driver had run a red light before hitting his car. After brief deliberation, the jury agreed, and Roberti was cleared.

But supposing that it hadn't gone that way. "Say that they could say that the state was one percent negligent because it didn't wash the car, and therefore the window was a little bit speckled and therefore my view of the road might have been impaired. Why should the state have been responsible for the entire cost of the injury when the young woman herself was probably even more negligent for getting on the motorcycle with a drunk driver?" he asked.

Although Roberti supports the Foran bill, he says he believes that it would be better to submit such cases to a system of arbitration, much like workers compensation, thereby taking the whole process out of the courts.

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and other plaintiffs' attorneys also point out that they leave themselves open to malpractice suits by their clients if they fail to include all possible government entities as defendants.

Opponents reply that the attorney's desire for a large contingency fee is likely to be a more germane factor in his search for a deep-pocket defendant. Hinton says contingency fees are another issue but notes that — whatever else may be said about them — they motivate attorneys to get more money for clients.

The real issue, according to Hinton and others at the CTLA, is that altering the joint and several liability doctrine would mean a windfall for governments and the insurance industry, and that plaintiffs — usually very seriously injured — should not suffer monetarily because one defendant is under-insured, when a defendant who contributed to the injuries is financially sound.

Chairman Gene Livingston of the tort-reform association counters that because juries do not consider additional forms of compensation, such as sick leave and medical and disability insurance, it is the injured party who often receives the windfall.

Because of the time lag involved in bringing tort cases to trial — typically four to five years — it has been only recently that the impact of deep-pocket suits has been fully felt. A 1982 survey by the League of California Cities indicated that 85 small and medium size cities (20 percent of the state's total) paid more than $16.8 million in judgments and settlements over the preceding three years, including $12.5 million in 1982 alone. San Diego, the only city surveyed with a population over 500,000, paid out more than $400,000 in a two-year period, and faces pending liability exceeding $28 million.

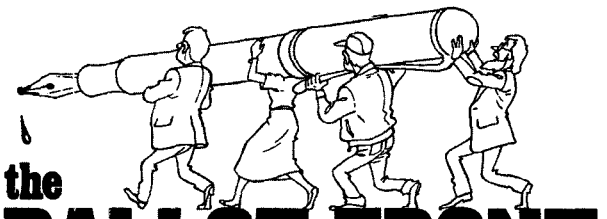
This season's tort reform bill was authored by Democratic Senator John Foran of San Francisco and is a modifier — not a repealer — of the "joint and several" rule. Essentially, it would retain "joint and several" for economic damages suffered by defendants; that is, medical bills, wage loss, etc. Thus, accident victims would be assured of having their out-of-pocket losses covered by a city that might have only one percent responsibility for the accident that hurt them.

However, "joint and several" would be abolished for non-economic damages. Usually known as damages for "pain and suffering," these awards generally far exceed economic damages and are therefore the bigger source of the attorney's fee. Under Foran's bill, any defendant responsible for less than 40 percent of the fault would pay only his proportionate share of any pain-and-suffering award.

Hinton replies that the Foran proposal is "absurd, meaningless, and arbitrary."

"The hue and cry that we (governments) are the goat here, that we should be exempted from any responsibility — which is ultimately what they're really seeking — is a very unfortunate thing," he asserts. "Frankly it's being brought about because of the realities of Proposition 13, and I don't think we should change our concept of justice because we save some money on our homeowners tax."

And so it goes. At the moment, the trial lawyers appear to be on top, but the issue shows no sign of fading away.



the BALLOT FRONT

A roundup of statewide initiative proposals. The information in parentheses is the number of signatures required for qualification and the deadline for their submission. Measures that qualify on or before May 1, 1984, will appear on the November ballot.

Continuing in circulation:

- **THE RIGHT TO OWN, USE AND POSSESS FIREARMS** — Constitutional amendment (630,136, July 23rd — *CJ* April 1984)
- **GAMBLING AND LOTTERIES — PUBLIC GAMING CONTROL COMMISSION** — Constitutional amendment (630,136, May 7th — *CJ* March 1984).
- **NO FIRST-USE OF NUCLEAR WEAPONS** — Statute (393,835, May 7th — *CJ* March 1984)
- **TOBACCO-EDUCATION PROGRAMS** — Statute (393,835, May 7th — *CJ* March 1984)
- **GOVERNOR'S RIGHT OF PLEBISCITE** — Constitutional amendment (630,135, May 7th — *CJ* March 1984)
- **LEGISLATOR COMPENSATION: BUDGET BILL ENACTMENT** — Constitutional amendment (630,136, May 10th — *CJ* March 1984)
- **AUTHORIZING PRAYER IN PUBLIC SCHOOLS** — Constitutional amendment (630,136, May 10th — *CJ* March 1984)
- **LIMITS ON WELFARE AND PUBLIC ASSISTANCE PROGRAMS** — Statute (393,835, May 10th — *CJ* March 1984)
- **NUCLEAR-FREE ZONE** — Statute (393,835, May 29th — *CJ* March 1984)
- **ENGLISH-ONLY VOTING MATERIALS** — Statute (393,835, May 29th — *CJ* March 1984)
- **RENT CONTROL: BAN ON REGULATION FOR UNITS OCCUPIED OR VACATED AFTER 1984** — Statute (393,835, May 29th — *CJ* March 1984)
- **RENT CONTROL: BAN ON FUTURE LAWS; PHASE-OUT OF CURRENT LAWS BY 1990** — Constitutional amendment (630,135, June 7th — *CJ* March 1984)
- **WORKFARE** — Constitutional amendment (630,136, June 11th — *CJ* March 1984)
- **RENT CONTROL: BAN ON FUTURE LAWS; NO PHASE-OUT** — Constitutional amendment (630,136, June 15th — *CJ* March 1984)
- **LOTTERY: FUNDS FOR PUBLIC EDUCATION** — Constitutional amendment (630,136, June 15th — *CJ* March 1984)
- **REAPPORTIONMENT COMMISSION; REAPPORTIONMENT FOR 1986** — Constitutional amendment (630,136, June 18th — *CJ* March 1984)
- **LOTTERY: FUNDS FOR HOME LOANS** — Constitutional amendment (630,136, June 25th — *CJ* March 1984)
- **CAMPAIGN CONTRIBUTION LIMITATIONS** — Statute (393,935, June 26th — *CJ* March 1984)
- **AGRICULTURAL LABOR-RELATIONS ACT** — Statute (393,935, June 26th — *CJ* March 1984)
- **OPEN PRIMARY** — Statute (393,935, June 26th — *CJ* March 1984)

Petitions submitted:

TAXATION — a constitutional amendment, sponsored by Howard Jarvis, that amends Proposition 13 to close loopholes Jarvis claims have been opened by the courts. A similar petition was withdrawn by Jarvis in October 1983, and this version is identical to it except for technical changes in language. (Signatures submitted to county clerks March 19th)

Qualified for the ballot:

BALANCED FEDERAL BUDGET — an initiative statute that requires the Legislature to send Congress a resolution calling for a constitutional amendment to balance the federal budget.

Source: Secretary of State March Fong Eu.

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KIRK WEST

A ROLE MODEL FOR THE USE OF POWER

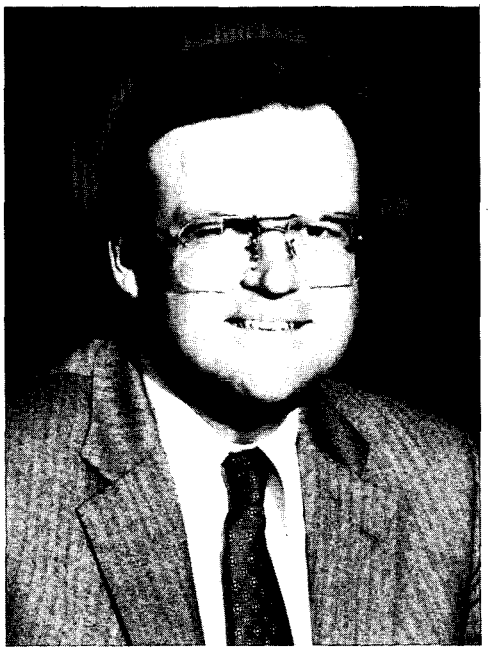
By BOB SCHMIDT

Kirk West first came to Sacramento nearly 22 years ago in pursuit of a doctorate in political science. He didn't get the doctorate, he says now, but he got a political education. And, says the Deukmejian administration's secretary for Business, Transportation and Housing, with an aw-shucks chuckle, "I'm still getting educated."

West's self-deprecating humor aside, the evidence suggests that he learned the science of politics very well and could easily give lessons to others. For West has become one of those rare individuals in politics: a partisan official in a highly charged partisan atmosphere who is seemingly without enemies.

Kirk West is a died-in-the-wool, true-blue, what's-good-for-business-is-good-for-the-country, classic and traditional Republican who has worked for Ronald Reagan, former GOP State Controller Houston Flournoy and for the California Taxpayers' Association, a business-backed lobby for lower taxes and fewer regulations. And yet West is respected and trusted by Democrats and by representatives for those special interests (mostly environmentalists) who are normally at odds with the pro-business side.

"I think you are an excellent appointment," said none other than Senate President Pro Tem David Roberti at West's confirmation hearing before the Senate Rules Committee last year. Roberti, of course, is the Los Angeles Democrat and liberal who has become a thorn in the governor's side by leading three successful battles to deny confirmation for gubernatorial appointees.



Democratic Assemblyman John Vasconcellos of San Jose, like Roberti a consistent and vocal critic of the governor, says of West's philosophy: "I'd call it pro-business, but with a heart, with balance. He is a very open, self-assured person, not afraid to be challenged. He is an ideal role model for someone trying to learn how power can be used wisely."

"All of government should be run the way Kirk runs his agency," says John Zierold, veteran lobbyist for the Sierra Club. "We had lunch together, at his invitation, and he explained to me that his policy would be to invite our input in the formative stage of policy development. He certainly didn't guarantee me that our point of view would be included in whatever final policy decision was reached, and I didn't expect that guarantee. But we have been allowed to comment during the formative stage of policy development, and that's encouraging."

No misgivings

John Hay, executive vice-president of the California Chamber of Commerce, was asked if the business community had any misgivings about a bureaucrat praised so highly by Democrats and environmentalists. "Not at all," Hay says. "Kirk West is simply an outstanding individual, he knows the legislative side, he knows the lobbying side. He gets along well with everyone. Business is certainly happy he's where he is, and if everyone else is, too, that's just fine."

West fidgets when asked to account for his popularity with persons of divergent political beliefs. "I hope that's the case, and I'm happy if it is," he says. "I really don't know why. I know I try to respect differing points of view."

All of which is why West is probably the best man in the Deukmejian administration for the job he has now. Although his agency oversees operations in 14 state departments and other units (see box), West's biggest concern is the administration's campaign to convince business and tourists that California is the place to be. In addition to frequent appearances each week before in-state business organizations, West is directing the recently announced $6.5 million program "to highlight the state's assets and erase negative perceptions about

Bob Schmidt, a Sacramento correspondent for Knight-Ridder newspapers, wrote "Papan against the world" for the September 1983 Journal.

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its business climate. Deukmejian acquired, with his election, the title of "California's Number One Salesman," but it is Kirk West who does the knocking on doors.

Years in China

West was born in Tsingtao, in northern China, on January 30, 1937. His father was a Presbyterian missionary, his mother a physician. Chinese was his first language; not until he was nearly four did his parents allow English to be spoken to him.

But when he was still a toddler, his parents had to flee the country. "We were kicked out twice," he says. "The first time by the Japanese. Then, after World War II was over, we went back for another three and a half years, until we were kicked out again (in 1949), this time by the Communists." Not all of the family came home. He had three sisters and a brother, he says, but his oldest sister died in China of dysentery.

Returning to the United States, the West family lived for about a year in Davenport, Iowa, and then moved to Medford, Oregon, where West's father took a church. West himself graduated from high school there and later enrolled at Stanford University. After graduation, he moved across San Francisco Bay to UC-Berkeley, where he acquired a master's degree in political science and began pursuit of a Ph.D. Since practical experience is required of aspiring Ph.D.s, and since West is a Republican (one of the few at Berkeley in 1962, he says), he was dispatched to the state Capitol to work with GOP legislators.

West became research director for the Assembly GOP caucus, a job that required some knowledge of issues and the ability to balance ideal solutions against political necessity. Among the caucus leaders then was a young Long Beach lawyer named Deukmejian.

West did not work in Ronald Reagan's first gubernatorial campaign in 1966 but nevertheless was named assistant secretary for resources under Norman "Ike" Livermore early in 1967. There followed stints as deputy director of finance under, first, Caspar Weinberger and then Verne Orr. In 1970 he became chief deputy controller under Flournoy, a former GOP Assemblyman who had won the job in 1966.

In 1974, after Flournoy ran unsuccessfully for governor, West went to the Taxpayers' Association (CalTax) as its executive vice president, the position from which he was plucked by Deukmejian.

West says he would like to return to association work when his current job (which pays $67,446 a year) is over. Meanwhile, though, he likes what he's doing despite a demanding schedule that often requires three or four evening appearances each week, several of which may be outside Sacramento.

He and his wife, Kathy, play tennis as often as they can, "at about B level in doubles. But she's better than I am." He used to do some guest lecturing at UC-Davis, but rarely has time for that, now. He recalls with pleasure that among the students in one of his classes were his daughter, Sarah, and a daughter of Hu Flournoy. West has another daughter, Jennifer, attending Cal Poly at San Luis Obispo, and a son, David, 11. All three children are from his former marriage, which ended in 1982.

Inevitably, a reporter's questioning of Kirk West includes inquiries about a future in politics. Politics, always, he says. Elective office? "No, thank you. I gave some thought to running for controller in 1982, but the more aware I became of the things candidates have to do, particularly the fund-raising, the less enthusiastic I became. When (Ken) Cory decided to run for a third term, I very happily dropped the idea."

But at a politically young 47, with impressive government credentials, with a talent for acquiring respect from a John Vasconcellos as well as a John Hay, and with a job giving him increased statewide name identification week by week, the speculation is certain to continue.

Oh, yes, there is one regret. His first language, he says sadly, has been all but forgotten. "I could maybe order potsticker, in heavily accented Mandarin, but that's about it."

Super agencies

The executive branch of state government includes five so-called super agencies, each of which oversees and coordinates activities in various departments and other units within its domain. As secretary of the Business, Transportation and Housing Agency, West is overseer to the departments of Alcoholic Beverage Control, Banking, Corporations, Insurance, Real Estate, Savings and Loan, Economic and Business Development, Housing and Community Development, Motor Vehicles, Highway Patrol and Transportation. Also responsible to him are the California Housing Finance Agency, The Teale Data Center and the Office of Traffic Safety.

Reagan vs. Deukmejian

As a man who has participated in gubernatorial cabinet meetings with both former Governor Ronald Reagan and present Governor George Deukmejian, Kirk West sees a great difference in management styles.

"Governor Reagan was very organized, and he liked his meetings to be organized," West recalls. "Ed Meese (Reagan's executive secretary) tended to preside. He ran the agenda. Usually, the issues had been submitted to the governor ahead of time in mini-memo form. Meese would then summarize, verbally, the various arguments, and the governor would make a decision right on the spot.

"All cabinet members were invited to participate in the discussion, even if the subject did not involve their department or agency. But Meese never let things drag on, or wander far from the subject. And the governor always made the final decision."

By contrast, Deukmejian conducts cabinet meetings himself. Senior staff aides usually are not present. Although discussions are broader and less structured than under Reagan, the group generally follows an agenda.

However, final decisions on major issues are not always made on the spot.

"On major issues, I usually seek a private meeting with the governor and bring the department director involved. We always get listened to, but he prefers the pro and con positions on controversial issues to be put in writing — he's a lawyer, remember — and then he tends to think things over for a few days before making a decision," West says.

Like Reagan, Deukmejian encourages the forceful expression of positions on each side of an issue, West adds, and the current governor, like his GOP predecessor, can be persuaded to change his mind by a convincing argument.

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LINE-UP CARD FOR THE DEMOCRATIC PRESIDENTIAL PRIMARY

Wonder who your local congressman, state senator or assemblyman is supporting for president in the Democratic primary? Clearly, Walter Mondale has won the hearts, minds and endorsements of most Democrats in California's congressional delegation, while the state Legislature is split. Many lawmakers who had previously supported either John Glenn or Alan Cranston declared themselves "uncommitted." In addition, Assemblyman Lou Papan supports New York Governor Mario Cuomo while Assemblyman Alister McAlister is sticking with John Glenn. Senator Alan Robbins is the only lawmaker who failed to respond. With one month to go, here's how they stack up:

MONDALE

Congress: 18
Glenn Anderson
Jim Bates
Anthony Beilenson
Douglas Bosco
Barbara Boxer
Sala Burton
Tony Coelho
Mervyn Dymally
Don Edwards
Vic Fazio
Richard Lehman
Robert Matsui
George Miller
Norman Mineta
Leon Panetta
Edward Roybal
Fortney "Pete" Stark
Esteban Torres

Senate: 7
Waddie Deddeh
Ralph Dills
Bill Lockyer
Nicholas Petris
David Roberti
Art Torres
Diane Watson

Assembly: 14
Charles Calderon
Lloyd Connelly
Jim Costa
Terry Goggin
Teresa Hughes
Phil Isenberg
Patrick Johnston
Johan Klehs
Gloria Molina
Michael Roos
Byron Sher
Sally Tanner
Curtis Tucker
Frank Vicencia

HART

Congress: 3
Howard Berman
Mel Levine
Henry Waxman

Senate: 6
John Garamendi
Gary Hart
Barry Keene
Dan McCorquodale
Joseph Montoya
Herschel Rosenthal

Assembly: 14
Tom Bates
Bruce Bronzan
Robert Campbell
Peter Chacon
Dominic Cortese
Gray Davis
Sam Farr
Tom Hannigan
Dan Hauser
Burt Margolin
Gwen Moore
Richard Robinson
John Vasconcellos
Bruce Young

JACKSON

Congress: 1
Ronald Dellums

Senate: 0
none

Assembly: 1
Maxine Waters

UNCOMMITTED

Congress: 6
George Brown
Julian Dixon
Augustus Hawkins
Tom Lantos
Matthew Martinez
Jerry Patterson

Senate: 11
Alfred Alquist
Ruben Ayala
Dan Boatwright
Paul Carpenter
John Foran
Bill Greene
Leroy Greene
Henry Mello
Robert Presley
Walter Stiern
Rose Ann Vuich

Assembly: 17
Art Agnos
Richard Alatorre
Rusty Areias
Tom Bane
Willie Brown Jr.
Steve Clute
Gary Condit
Dave Elder
Richard Floyd
Elihu Harris
Tom Hayden
Richard Katz
Lucy Killea
Jean Moorhead
Jack O'Connell
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Norman Waters

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An interview with
Senate President Pro Tempore

DAVID ROBERTI

David Roberti, leader of the Senate's Democratic majority, was elected president pro tempore of the upper house in December 1980. In the following interview he talks of Democratic issues and candidates, his challenge from Senator Paul Carpenter and his attitudes toward Governor Deukmejian and state spending.

Journal: When you were first elected to the Legislature in 1966, the Democrats seemed much more united. There was desire for civil rights legislation, consumer protection, environmental controls. There seemed to be more of an agenda than there is today. Do you see that?

Roberti: There was a greater agenda at that time, and I think your question highlights the whole problem with the Democratic Party. That is, much of the agenda has been accomplished, and now what do we talk about? We still have a lot of problems, but the party really does not have an agenda. It's not the Legislature, it's not the Congress; it's really an issue that confronts the Democratic Party as an entity. We have a rough philosophy that holds us together.

Journal: How would you describe that philosophy?

Roberti: Bascially that government is in partnership with business and the individual in order to redress grievances, right imbalances in power and create opportunities where they otherwise would not be created.

Journal: How does the lack of an agenda affect programs in the Legislature? There are bills being put in by Democrats in the Senate certainly.

Roberti: We have a large number of bills that we have introduced in a variety of areas. We have an agenda and we intend to move with it. But I think your question gets to something a little more basic: When people run for offices, they put their fighting spirit behind a specific number of items which are musts. That's been lost a little bit but, in part, because a chunk of it has already come about.

Journal: Who are the up-and-coming people in the state Democratic Party today, present company included, of course?

Roberti: That's always a treacherous question when you mention somebody and exclude others, and then you have to come up with an endless list. I don't think anyone has clearly staked out turf so that he or she is the person who has a claim on the future. I think that is very interesting right now. There are all kinds of people who are scrambling, posturing, hopefully putting their best foot forward and trying to get that kind of attention. To give you specifics, I guess start off with the statewide officeholders. They are numerous.

Journal: Do you think that Los Angeles Mayor Tom Bradley, if he does run for governor again, would win the nomination?

Roberti: He's always a tough competitor, and whether he would win the nomination, I can't say. I think that he would need a dose of good publicity from the Olympics, and I don't know how that's going to play — it's an enormous thing. The vibrations are very strong in Los Angeles. You can feel them up here. People are excited about it. If he is identified very closely with that, as I suspect he will, that will give him a shot of political life that most politicians would give their right arms for.

Journal: Do you have any hopes of winning higher office yourself?

Roberti: It's treacherous for a president pro tem or a speaker of the Assembly to ever discuss ambitions. Obviously, things like that cross my mind. I neither discuss them nor lose too much time worrying about it. Why? Be-

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cause your primary duty is to run the state Senate which is composed of 39 peers, or the state Assembly composed of 79 peers. For any number of reasons, peers don't want the feeling that the leader has assumed his position only for his own advancement. I don't think that's my case considering my track record around here. Still, it is a major factor in anybody's leadership of a peer group.

Journal: Do you see any special future for Assemblyman Tom Hayden and his organization, the Campaign for Economic Democracy?

Roberti: I think they do a lot of good things; they motivate and activate people in a large number of areas. I think on balance their influence has been good. One down side that is not often talked about: The public perception sometimes is that it (the organization) is not all-encompassing as far as the decision-making process. The public perception of power, I would say, is that power is contained in a few hands. And if you really want to be a mass-based group that has mass acceptance, I think you have to let the perception out that things have loosened up a bit.

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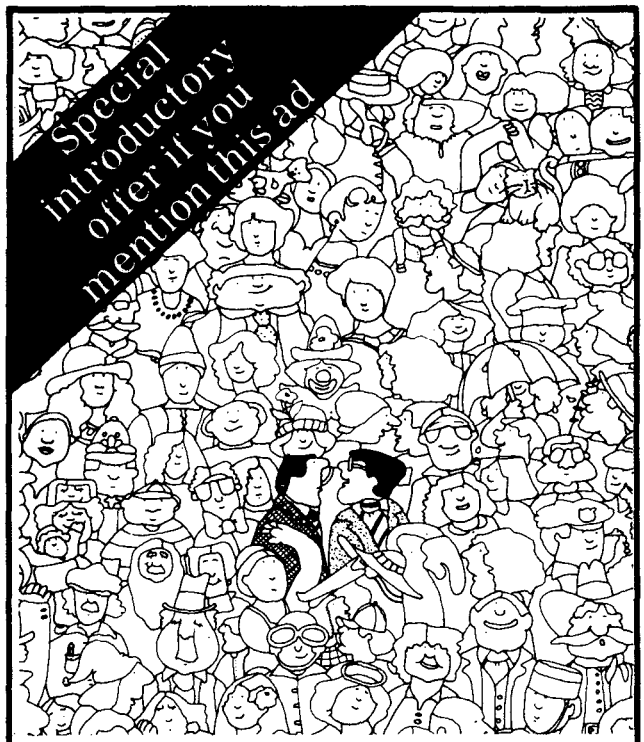

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Journal: You mean the power is too much in Hayden's hands?

Roberti: That's the perception. Whether it's true or not I don't know. I'm talking about perception.

Journal: What's your belief?

Roberti: I know Assemblyman Hayden. I like him and we've worked together on legislation. I can't say. I've never been a real participant in that organization. All I can say is that my own unsolicited advice, for what it's worth, is that I think that if you really want to be a force in California, there comes a point where centralization can be disastrous.

The 1984 election

Journal: Do you have any expectations of picking up any seats in this year's election?

Roberti: I think we're going to pick up the 11th Senate District with Gregorio. *(Former state Senator Arlen Gregorio, now a San Mateo County supervisor, is expected to win the Democratic nomination in June and face the winner of a hotly contested Republican primary in November.)*

Journal: Are you going to support the Democrats who will be running against Republican Senator Milton Marks in San Francisco and Independent Ray Johnson in the 1st District, which covers the northeastern part of the state? *(Both men frequently vote with Democrats on key issues.)*

Roberti: I always support Democrats, but how specific I will get — I have to contemplate that as we go down the line. It's obvious that Marks and Johnson are important factors in the running of the house.

Journal: Has Lia Belli *(wife of prominent attorney Melvin Belli and Democratic opponent of Marks)* talked to you?

Roberti: A very competent, articulate woman. Yes, I've talked to her.

Journal: What have you told her about your support?

Roberti: Thinking about it.

Roberti on Roberti

Journal: You've changed your appearance a little bit.

Roberti: I look like I looked six years ago. Except I've gotten older.

Journal: Have you begun wearing contacts?

Roberti: No. It became force of habit that I wear glasses. I don't need glasses to drive but I always drive with them and I think because of that I just got in the habit of never taking them off.

Journal: What was the reason for making the other changes?

Roberti: Well I used to have a mustache in 1973, and I shaved it off. Then I grew it again and shaved it off again. People like to say there's some political motivation as to why you do things. Mmm. Just a little bit. I mean if I lose weight, it's because I feel better and if it makes my campaign pictures look better, well so much the better. If it improves my appearance politically, I think that's great but I'm not a 100 percent political animal.

Journal: I've heard several people say that you're a very nice guy and very fine person but you shy away from difficult decisions that might alienate supporters. One person told me, it's come to the point of your not returning phone calls to members of the Senate.

Roberti: The first is true. The second — that I don't return phone calls from members — isn't. I try to return all phone calls. If I'm late and I don't get around to it, it's just that I have probably 20 members' phone calls to return along with everything else, so I don't think that's fair criticism. On the first, I make difficult decisions but I don't see the necessity of having to make a difficult decision at

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the moment the problem is presented. And I just think that's part of being a leader, and that is to know when you have to make the decision and when it's proper to delay. I don't think you have to always come down looking like the authoritarian. If I can survive comfortably and be a nice guy at the same time — I'm not trying to pump myself up, but I think I am — so much the better. I make decisions, and I make tough ones, the Carpenter thing being a halfway decent example of it. I just didn't see why I had to come down hard simply because that's what people think traditionally is what has to happen.

The Carpenter affair

Journal: The background of the Carpenter decision was that on the last night of the session last year you said something to the caucus like if you don't like the way things are going, get yourself another pro tem, and he (*Senator Paul Carpenter of Cypress, chairman of the Democratic caucus and — until then — one of Roberti's close colleagues in the upper house leadership*) went out and tried to do it. Is that essentially what happened?

Roberti: I would say so, yes.

Journal: Do you remember the words you used?

Roberti: It's hard to remember. Well, now you have to preface everything. The last couple days of a session, you know, you're pressed, you're frustrated and besieged on all sides. In that context, I guess we were talking about things that were being negotiated with the governor on prisons and tuition.

Journal: And that's when you said this, made this remark?

Roberti: I, at that point, said — I can't remember exactly — I have to really paraphrase — "If people don't agree with the way I am doing things or have negotiated things, then I suggest you find somebody else whose work product you like better." Something like that. I can't remember, but that was essentially what it was.

Journal: He went out apparently during the dinner hour that very day or that very evening.

Roberti: Well, I guess he thought I'd extended an invitation, so . . .

Journal: Were you surprised that he acted quite so quickly?

Roberti: Well, I was surprised, yes, because mainly not that somebody acted quickly, but that it was Paul.

Journal: Why were you surprised that it was he?

Roberti: Because we'd been friendly. But that's politics.

Journal: Was there, do you remember, do you know how many votes he put together against you?

Roberti: I don't think he put many together. I don't want to speculate. I think it was minimal, if any.

Journal: Why didn't you remove him then?

Roberti: Well, first I didn't feel threatened. I didn't think that the campaign was one which threatened my position. There had been so much disruption; not disruption, contentiousness: the Legislature versus the governor. Then all of a sudden we would add a new dimension and have the Democrats in the Senate fighting Democrats in the Senate. I don't think it would have been helpful as far as the perception of the Senate or the Legislature with the public, which is both idealistically and practically a consideration. I don't think it would have presented the united front that the Democrats have to present to deal with the administration. So, I didn't see any downside; or I saw minimal downsides in deciding that I didn't have to take action. The traditional approach is when anybody tries to attack a leader, the leader has no recourse but to act the same way all the time. That is chop; chop his head off. But every situation is different, and I think you have to react differently based on the context that you're dealing with, and I just think it would have caused more disenchantment if we added this whole new dimension of contentiousness, which was not over issues that we care about, but over personalities. It would have been unwise, I think as far as our duties are concerned, but equally unwise politically.

Deukmejian and taxes

Journal: The governor is saying that his plan to save the state has worked and that Californians have avoided the big tax increases that seemed imminent early last year. Do you have any comment on that?

Roberti: We've had tax increases, period. I don't quarrel with the necessity of having tax increases because I've been saying that for some time. I quarrel with the perception that is being fostered that you can have your cake and eat it too. You can tell the people that you can balance budgets without increasing taxes. The governor came up with well over $800 million in new taxes; the kinds of things

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Republicans have always called taxes. In fact, I think it's always been Republican dogma that people should know what they're paying. I guess in order to make a point in the press — that is to have the public feel that they're not being taxed when they are — Republicans have abandoned that point. Hence, better to have these peripheral taxes, these taxes that sneak up on you without your knowing you're really paying them, than something that's up front and honest, that hits everybody equally.

Journal: We have a surplus now, and there is some talk about having a tax cut perhaps within a year, next year or the year after. How do you feel about a tax cut or tax rebate?

Roberti: I think it's too early to speculate on how large a surplus we're going to have. I think that if there is anything we have learned over the last three years it is that it's impossible to predict the amounts of revenues the state of California is going to be taking in these highly indeterminate, roller-coaster times.

Journal: If the economy does continue running fairly well, and a surplus of one sort or another does come, would you favor a tax cut?

Roberti: That's all relative. It would depend on the size of the surplus we were talking about, how adequately funded important programs were.

Journal: Would you keep state programs running along at the current level and provide a tax cut, or do you think that state spending should be higher than it is at the current levels?

Roberti: I think it should be higher than the current levels, yes.

Journal: Is there any particular area you would like to see more money go to?

Roberti: Yes, the Senate Democrats have put together their Latch Key Program for children. It's an area that has been ignored because it's an area of new concern. But we have close to a million kids at our best determination that are unsupervised during part of the day — after they come home from school, but before their parents, or parent, returns from working.

Journal: That would require also a new payroll tax. That's part of the package.

Roberti: That's one of the proposals. I favor that, but there are other ways to go. We're talking about a surplus. I think preferably an alternative way, which is my bill, would be to use part of the surplus to begin that program. We can't talk about putting welfare mothers to work if we don't at the same time think about what's going to happen to their kids. I've seen a couple letters to the editor that said people should take care of their own families. Well, that's nice in the ideal situation, but you often have a situation where the father is dead, he's abandoned the family, the mother's the only one left to raise the kids. We have a duty there.

Journal: These are children between the ages of five and 12?

Roberti: Essentially, right. Generally younger than that we do have some programs.

Journal: Are there any other areas that you'd like to see the state spending more than it is now?

Roberti: Yes, I think worker safety, OSHA, toxic programs as far as workers are concerned, inspection of sweat shops, and the maintenance of strong labor-law enforcement, these are all areas which have been cut back in varying degrees, which I think are basic to what government should be doing in protecting those people where there is an imbalance of power.

Journal: How about increasing welfare grants? The governor wants to hold them down. Decrease the rate of increase is perhaps a fairer way to put it.

Roberti: Decrease the rate of increase? I generally haven't quarreled with a decrease in the rate of increase as long as it is somewhat realistic and recognizes California's higher cost of living. But I think one or two percent, as he came up with — I don't have the exact figure — that strikes me as unbearably low. They have children to raise and responsibilities, and they have to meet household burdens.

Journal: What about his argument that welfare payments in California are among the highest in the nation?

Roberti: The cost of living in California is far higher than the cost of living in other states. If the rates are just abysmally low you create a situation of such strong disenchantment that people don't pursue their education if they're kids, and they're out on the street because they aren't taken care of properly. You know, welfare is not just for the welfare recipients. Welfare was devised primarily to keep the have-nots or the disenchanteds, or whatever you want to call it, from resorting to illegal means to equalize things, even if unsuccessfully. Welfare is a stabilizer in our society just as a good police force is.

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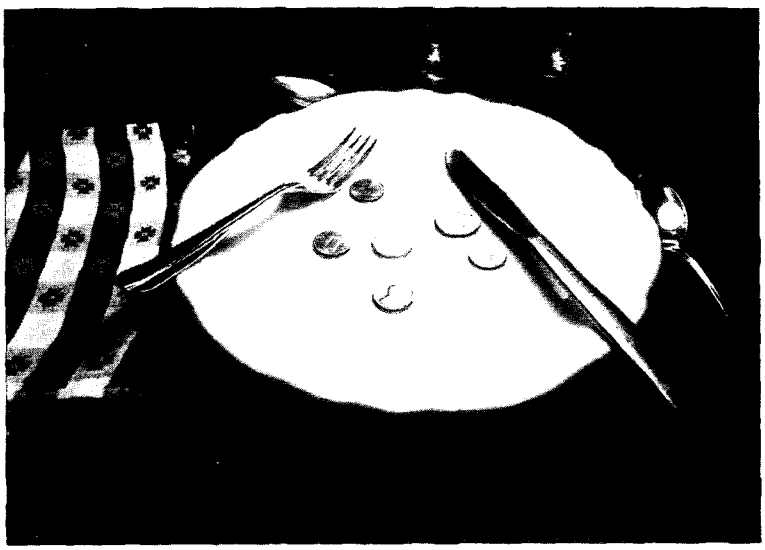
Community colleges search for priorities, stable funding

By MICHAEL FALLON



California's community colleges, viewed by their critics as overweight, have been taking a long look at themselves in the mirror. What they're seeing is the beginning of a new shape — a little less flab here, one less fold there, the promises of slimness.

Considerable credit, or blame, for the trimmer silhouette, the colleges know, belongs to the grim fiscal diet that Sacramento has imposed upon them since passage of Proposition 13 in 1978. It now amounts to a drop of more than 25 percent in the colleges' buying power. But to an extent that has not been sufficiently recognized, the community colleges have contributed to their own long-range health regimen by shedding a philosophy that offered courses like pet care and bicycle repair for state-funded credit.

Although there are many who still cling to the idea of offering all things to all students, the trend is toward standards and qualification:

- better counseling and testing to determine if students are likely to succeed in the courses they choose;
- redirection of students with severe remedial problems in English and mathematics to places like adult schools;
- penalties and fines for students who drop out of community colleges before the end of the semester after having taken spaces other students had wanted;
- a financing system that no longer rewards high enrollments in a low-cost course like beginning tennis at the expense of more selective — and costlier — courses in second-year French or computer technology.

Michael Fallon covers education issues for the Sacramento Union.

Probation and dismissal

Just beginning to show up are the effects of a three-year-old policy by the colleges' state board of governors that imposes probation on students who do not achieve a minimum C-grade average or who withdraw from credit courses before the end of the semester and fail to complete a sufficient number of courses. Dismissal results if the shortcomings continue into the following semester.

Gordon A. Newman, dean of admissions at Santa Monica College, finds a substantial decline in the withdrawal rate of students there. Students who in the past may have simply withdrawn, now know that there is a penalty, he says. "They stay in and complete the course, and that's what we're trying to encourage students to do," Newman adds.

The board of governors also has strengthened minimum graduation requirements statewide. In order to get an associate degree, students now need to show proficiency in reading, writing, mathematics, communication and analytical thinking; meet an English composition requirement; and take 18 semester units of general education, rather than 15.

Last June the board adopted a regulation to prohibit all state aid for repetition of credit courses except under limited conditions — addressing concerns that too many students repeat courses indefinitely at state expense, all too often for avocational or personal development purposes. (Still ineligible for state funding, under a 1982 legislative mandate that has not been revoked, are board-designated avocational courses such as square dancing, surfing and stained glass.)

Fees

In response to more recent prodding from Sacramento, other changes are emerging that will reshape the 106 community colleges. Foremost among these is the fee of $50 per semester — or $5 per unit for six units or less — that students will begin paying next fall. The fees reflect a victory for Republican Governor George Deukmejian in a long, bitter dispute with the Democratic-dominated Legislature, a dispute that for months tied up 1983-84 state funding for the colleges. As yet, no one is quite sure if fees will further shrink an enrollment that has been dropping but is still close to 1.2 million. The impact is expected to be greater in some college districts than in others.

It is also considered too early to assess the effect of a new $10 drop fee — up to $20 per term — that the Legislature ordered last year for courses dropped after a semester is two weeks old. Glendale College expects to get $150,000 this year from student "shoppers," but San Diego City College projects only $45,000 and San Francisco City College, $40,000.

Among the student shoppers may be some who often take courses without the proper background and support services, quietly flounder and disappear, says Chancellor Alfred P. Fernandez of the Ventura County Community College District.

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In an effort to extend a lifeline to these students — again, with prompting from the Legislature — an advisory committee appointed by the board of governors has been preparing a statewide model of student matriculation. Stripped of educationalese, "matriculation" in this case means more effective testing, guidance and counseling for entering students. A model endorsed by the board and encouraged by the Legislature technically would not be a mandate. But it would not be something that local districts, dependent on the state for 70 percent of their support, could ignore.

This formal matriculation, especially placement in appropriate courses, has been policy in such "open door" states as New York and Florida, but not in California. Basically, open door means allowing anyone over the age of 18 to enroll in the community college system if they can benefit from the education. Although some of California's 70 community college districts have relatively strict admission and counseling procedures, at least for some categories of students, many other districts relaxed or abandoned them during the 1960s and early 1970s. This was done to accommodate an increasing mix of student abilities and what was then seen as the "comprehensive" community college mission.

Flexibility

Even proponents of matriculation, such as Robert W. Silverman, president of the colleges' state Academic Senate, agree that local districts should have flexibility in applying any statewide model so that they may continue to admit any person 18 or over who is capable of profiting from instruction. But, says Silverman, open access without a chance to benefit from the education is no access at all; truly open access is a matriculated program that devises a successful course of instruction.

The board of governors, through its task force and on its own, is also looking at other issues related to academic quality:

- Should there be new standards of rigor in credit courses leading to an associate degree? (Only about five percent of community college students now pursue that degree.) Should remedial courses continue to be offered for degree credit?
- With the colleges estimated to have spent at least $66 million to teach, counsel and test remedial students in 1980-81 (and with the figure rising), should there be some level — say, sixth-grade ability in reading, writing and arithmetic — below which the colleges would not offer remediation?
- Are there ways to improve the low transfer rate of community college students, particularly blacks and Hispanics, to the University of California and the California State University, and to strengthen vocational programs for job-seeking students?
- Is there some better way of funding the colleges than on the basis of student attendance in classes? Currently, colleges are paid based on the number of students in a class — regardless of how much it costs to put on the class. In other words a class in tennis — with high enrollment — earns a college much more than, say, second-year French, with low enrollment. Does this system — the only one of its kind in U.S. higher education — encourage low-cost classes rather than high-cost job-training programs, and discourage services such as counseling that are particularly important for those high-risk students the colleges do enroll?

Stability in funding

"The community colleges, above all else, need stability in funding," says Glenn G. Gooder, retired superintendent/president of Santa Barbara City College. Between 1972 and 1982, the state funded the colleges in eight different systems, and "it really has been impossible for them to plan," he says.

Gooder has a December deadline for delivering, to the Legislature, a study on different methods of funding, for financing courses according to approximate costs. "If we could come up with a system that really was equitable, that the Legislature and all of us could understand, we would all know where we were," he says.

State Senator Walter W. Stiern of Bakersfield agrees that the colleges have experienced an unacceptable degree of uncertainty and instability in their revenues over the last decade. According to Stiern, who authored legislation in 1967 that established the community colleges as a separate system, most students in the mid-1960s were white, high school graduates enrolled in full-time programs leading to degrees, certificates or transfer. By the early 1980s, he says, the largest concentrations of students were part-time and non-traditional, including both educationally disadvantaged students with critical needs for remedial

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programs and services, and relatively older and well-educated students interested in a wide variety of courses.

Stiern has introduced a bill this session to finance a study of the appropriate mission and role of the community colleges. He is not alone. Senate Republican leader Jim Nielsen of Woodland has proposed an extensive review, with public hearings, of the state's 1960 Master Plan for Higher Education, focusing chiefly on the community colleges. "Questions about their long-term funding, role and purpose remain unanswered," he says. In the Assembly, a special committee on community colleges chaired by Democratic Assemblyman Robert Campbell of Richmond has recommended the establishment of a joint legislative committee on the Master Plan. The committee's primary charge would be to re-evaluate the missions of the community college system.

Difference

Sharp philosophical differences about the colleges' role, along partisan lines, have developed in the Assembly, where open wounds remain from the lengthy dispute over student fees and state funding. For instance, Democratic Assemblyman Sam Farr of Monterey takes the view that the community college is exactly what its name entails . . . for anything the community believes is useful.

Democratic Assemblyman John Vasconcellos of San Jose, in a recent Education Committee hearing exchange with Republican Assemblyman Ernest Konnyu of Cupertino, said, "What's at stake here . . . is not just a partisan battle, or a battle of politician egos and images, or the governor against the Legislature. It's your philosophy of life versus ours, and they are very different . . ." Yours is hierarchical and top-down and keep-your-place and be-civil, be-polite, no matter what's being done to you," Vasconcellos told Konnyu. "Ours is one that opens up the doors, opens the windows, opens up to be participatory to everybody, and has some belief in people's capacities to open and learn and grow, if they are attended to in some inclusive, respectful, self-esteeming way,"

Konnyu's reply is that Vasconcellos "defined community colleges in a very broad and amorphous way, so they could do anything for anybody."

Most Assembly Republicans believe that students with English and mathematics ability below the sixth-grade level should get remedial courses in adult schools rather than community colleges, Konnyu says. "Remediation in our judgment should be reserved for students who're capable of college-level work, but have weakness in one area, say, math. That we strongly support. But to put a student who is not capable of college-level work into college is robbing the taxpayers, and that's exactly what we're doing."

Konnyu said the inclination of Assembly Republicans is not to press for changes in the colleges this session, but instead to await findings of the long-range studies. "When they tell us who ought to have what piece of the pie and why," he says, "then the reforms will flow from that."

Community college educators tend to welcome the mission reviews. Chancellor David Mertes of the Sacramento-based Los Rios Community College District finds himself frustrated by the thought, frequently expressed to him, that "you're doing more things than you should, you're becoming too big, you're costing us too much money, and you'll have to cut back." In his view, the college system will benefit from a public reassessment of its mission, "addressed in specific ways so that it has meaning at the local level."

George David Kieffer, a Los Angeles attorney who serves as president of the colleges' state board of governors, says, "The board is continuing to set its priorities and mission concept, but there comes a time when a broader group of people has to review the mission and accept or reject it for the state. If they feel it's improper, we need to know that . . . we require public support for what we're doing."

Kieffer and state Chancellor Gerald C. Hayward agree that there are no easy, quick answers to problems the community colleges are facing. "This system doesn't move as quickly as a highly centralized system," Hayward says. "My judgment is that people in the districts haven't been doing it in the past, but there's never been this level of intensity."

For Patrick M. Callan, director of the California Postsecondary Education Commission, the reassessment and fine-tuning for the 1980s and 1990s now taking place in the community colleges was inevitable. "Every social institution goes through a period of consolidation after a period of explosive growth," he says. "There's an inevitable sorting out . . . It's probably healthy."

Reassessment of community colleges is a national phenomenon, Callan says. "This issue is in the air."

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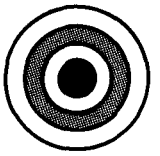

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Advice on how to save

The legislative analyst's annual critique of state government

Each year, usually in late February or early March, the legislative analyst issues his report on the governor's budget for the coming fiscal year. But the title "report" is misleading, for the analyst's document is really a long and detailed look at the condition of state government itself. It is full of background information, commentary and recommendations, all of which is deliberately apolitical and aimed at cutting costs.

This year's report, prepared by Legislative Analyst William G. Hamm and his staff, differs from last year's in one important respect: Last year, the state faced a $1.6 billion deficit, while for 1984-85, there is the prospect of a $950 million surplus. Nevertheless, Hamm and his staff of nearly 100 have issued close to 2500 pages of recommenations that would, if adopted fully, save the state an additional $444 million.

What follows is a selection of items that show the report's range and depth. The only agency exempt from the analyst's microscope is the Legislature — Hamm's boss.

Revenues and expenditures:

- The analyst endorses the governor's proposal to provide a large reserve for economic uncertainties.
- Over 84 cents out of every one dollar spent from the state's general fund goes for either health, education or welfare.

Legislative, judicial and executive:

- The apparent 1.5 percent reduction in funding for the governor's office is misleading. This is because the budget proposes to shift the cost of printing the budget to another department. When the two years are put on a comparable basis, the request for 1984-85 actually represents a nine percent increase, rather than a 1.5 percent reduction.
- The Office of California-Mexican Affairs has opened a second office in order to suit the preferences of the office director. Consequently OC-MA now has two offices and four positions.
- Once again, the analyst finds that court decisions will have a major impact on state expenditures. Decisions handed down since the 1983 Budget Act was chaptered will cost the general fund $42 million in the current year and $64 million in 1984-85.

Business, Transportation and Housing:

- Caltrans is proposing to contract out for maintenance service, in lieu of using state employees. The cost of doing so, however, will be 25 percent or $1.1 million, more than what it would cost to perform the work using department staff.
- It appears that two of the state's three rail transportation programs — San Francisco/San Jose and Oakland/Bakersfield — will not meet the financial performance requirements that must be met in order to continue receiving state funds.
- The Highway Patrol is proposing to spend $6.08 per square foot to have the roof on its headquarters building resurfaced — nearly three times what it cost DMV to reroof its headquarters in the current year.
- For 1984-85, DMV budgeted for the purchase of seven *million* envelopes in support of one of its many registration functions. As it turns out, only seven *thousand* envelopes will be needed.
- The final evaluation reports on the Traffic Adjudication Board demonstrate that the board is more cost-effective and provides better service to the public than does court processing of traffic citations. Nevertheless, the administration intends to let the board go out of business on July 1, 1985.

Education:

- Although the number of lawyers in California has gone from one for every 583 persons in 1970 to one for every 299 persons in 1983, enrollment in UC's law schools has increased by about one-third during this period. Thus, the analyst recommends against increasing graduate enrollment (all disciplines) by 200 students and, instead, recommends that graduate enrollment be reallocated in order to expand graduate programs in engineering and computer programming.
- During the current fiscal year, the regents of the university granted university employees an additional $12.3 million in benefits for which no financing exists.
- The Legislature should adopt a long-term fee policy covering all segments of public higher education in California.

Resources:

- As in past years, the Department of Forestry continues to have trouble collecting from the federal government. Currently, more than $5 million in reimbursements are due for emergency fire services provided prior to July 1, 1983.

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• The budget proposes to eliminate 35 personnel-years of temporary help in the Department of Forestry assigned to the Dutch Elm Disease Program, and replace these positions with California Conservation Corps members. An analysis indicates that use of CCC members would be about 50 percent more expensive and about 25 percent as productive as use of seasonal help.

• The administration is requesting $258,000 for a new seven-acre wetland in the city of Oceanside. It appears that these state funds are being requested to mitigate the adverse impact of commercial development approved by the city that will destroy an existing nine-acre wetland.

• An analysis of the Coastal Commission's budget indicates that there is approximately $1.7 million in federal funds which will be lost if these funds are not expended by the end of the current fiscal year. The administration presently has no plans to use these funds.

• The State Coastal Conservancy is doing a poor job of accounting for state funds. In fact, since 1978-79, the conservancy has overexpended its appropriations by $1.8 million.

Health and welfare:

• The governor's budget proposes to reward those high-cost counties that failed to follow the state's lead in holding down the cost of administering welfare programs during the past three years by granting increased amounts to cover the higher costs. Those counties that complied with the state's policy and limited administrative costs get nothing.

• The new claims-processing contract for Medi-Cal may save as much as $11 million per year. The Department of Health Services and the Auditor General are to be commended for a job well done.

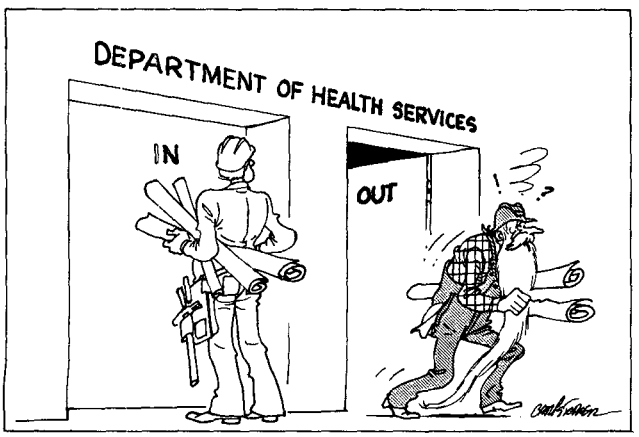
• The proposed budget for the Department of Rehabilitation leaves $6.8 million in federal money unexpended, while it underbudgets work-activity caseload by up to $8 million. In fact, the request for the Work Activity Program uses caseload estimates that are less than current caseload, and reimbursement rates that are less than what the department expects to pay.

• We find that, on the average, an AFDC family of three receives approximately $9252 in earnings and public benefits annually — $78 a year more than in 1983-84.

• On the average, an elderly, blind or disabled couple receives annual benefits of $13,826, up about $350 over last year.

• The cost to the state of providing for the needs of low-income Southeast Asian and Cuban/Haitian refugees is skyrocketing. The general fund share of these costs for time-expired refugees is up $49 million, or 51 percent.

• The Department of Health Services' contracting process is extremely cumbersome. Each contract must pass through 45 steps of development or approval. These steps occur in 16 different units or offices.



• The Department of Health Services estimates that 22 liver transplants will be performed during 1983-84 and another 34 will be authorized in 1984-85 at an average cost of $375,000 per patient. The five-year cost for each surviving transplant recipient is esimated to be nearly $700,000.

• County error rates under the Medi-Cal Program vary widely, ranging from 0.3 percent in Ventura County to 26 percent in the City and County of San Francisco. This means 26 percent of the amount paid by the City and County of San Francisco is in error.

• Medi-Cal eligibility determinations at two Los Angeles County hospitals are fraught with errors. In fact, at County General Hospital, 76 percent of all Medi-Cal payments were in error.

General government:

• During the current year the California Arts Council opened a regional office in Los Angeles, despite the fact that the Legislature specifically rejected a proposal to establish such an office during 1980-81.

• The budget for the Museum of Science and Industry proposes a reorganization in the security department that will leave eight positions — four supervisors and four line personnel.

• As a result of staff reductions in the Agricultural Labor Relations Board, the backlog of unresolved unfair labor-practice charges has increased from 496 in December 1982 to 1091 in December 1983.

• In a number of areas, the budget proposes to reduce staffing for the Department of Industrial Relations even though workload is increasing or a large backlog of work exists. For example, between 1982-83 and 1984-85, the budget projects a 16 percent increase in the number of workers' compensation cases and a four percent reduction in the number of workers' compensation judges. In addition, the budget proposes to reduce the number of elevator and pressure vessel inspectors, despite the fact that 40 percent of the elevators and 44 percent of the boilers in the state are overdue for the annual inspection required by law.

• The Department of Finance's Program Evaluation Unit is misnamed. During the last 18 months it has published exactly two reports. Most of its activities are conducted on behalf of the administration, and include providing staff to government efficiency teams, conducting statewide surveys, and monitoring implementation of the hiring feeze. Of the $154 million in savings that it claims to be responsible for since 1980, $80 million is nothing more than a fund shift (with no savings whatsoever), and $49 million represents savings that were identified at the direction of the Legislature.

• The governor's budget proposes to increase local fiscal relief by over $900 million, or 15 percent, above the estimated current-year level.

Youth and adult corrections:

• The Department of Corrections is requesting $14,000 to buy one riding lawn mower, rather than purchase a less expensive mower and expand the number of inmate work assignments.

• The number of new prison beds proposed by the Department of Corrections at various security levels is not consistent with the number of inmates to be classified at those levels.

• The Department of Corrections is proposing to spend $1.8 million over the next several years to upgrade the electrical system at Soledad Prison in order to accommodate the color televisions, radios, record players and other electrical appliances which, according to department policy, inmates are permitted to have in their cells.

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ROSTRUM

Gays and the GOP

Regarding your comments on the 23rd state Senate District primary, members of what you called "the gay-oriented Log Cabin Club on the party's liberal wing" are really moderate conservatives to ultra-right conservatives. Some are members of the John Birch Society. We happen to believe that any individual who makes an issue about one's sexual preference as being a liberal. Conservatives (or should I say, true conservatives) do not care what one does in their bedroom. Therefore, on the issue of sexual preference, it is (Senator H.L.) Richardson and (Senator John) Doolittle who are not conservative.

During the past two years, gay-oriented organizations have done extensive voter-registration drives. One drive, done in the inner city areas of the gay community, produced a registration of 40 percent Republican. One such drive in Palm Springs had 48 percent Republican. It appears the gay population is more Republican than the straight community.

FRANK RICCHIAZZI
Glassell Park
Vice-President, Log Cabin Club L.A.

AB1

It is time to put the veto of AB1 into political perspective. Columnists and letters to the editor have soundly castigated the Republican Party for its lack of support of AB1, and the veto by a Republican governor. The "gay rights bill" was initially introduced in 1975, and reintroduced in 1977, 1979, 1981 and finally in December 1982 as the current AB1. Each time prior to 1982, the legislation "died in committee." Only the 1982 bill reached the Senate or Assembly floor where it passed and was sent on to the governor for his review.

Since 1975, the Democratic Party has had control of both houses of the Legislature. Most committee chairmen have been Democrats and a majority of each committee has been composed of Democrats. According to the rules of the Senate and Assembly, it only takes a simple majority to have a bill referred to the floor for a vote.

Now we hear a constant diatribe against the Republicans for the governor's veto. Those now casting stones at the Republican Party should take another view of history. Why, with the overwhelming majority in both chambers since 1975, and with a sympathetic governor, did the Democrats not bring the previous bills to a vote in the Legislature, thereby assuring a signature by Governor Jerry Brown? Or, are the Democrats only using their "total commitment" to this concept to milk the gay community of its votes and resources?

I don't believe that either the Republican or Democratic Party can take responsibility for either the success or failure of AB1. It is a measure that transcends party lines and no party should benefit or lose by its passage or failure. I do strongly believe that we in the gay community should hold assemblymen and senators responsible for their individual vote on the bill and the governor for his veto.

WILLIAM R. (BILL) RAUSCH
Los Angeles

Herbicides

It is disappointing to see letters like James P. Adams' (*CJ*, February 1984) appear unchallenged. The issue of the expanding use of herbicides in our forests is not one that is amenable to a narrow "professional" treatment. For many years asbestos and radiation exposure was permitted at "reasonable" levels. Today we have learned it is not easy, nor quick, to ascertain "reasonable" levels of exposure to hazardous materials.

Beyond technical considerations of toxicity is the question of management, or mismanagement, of our forest resources and the proposed use of herbicides. Presently most of our California forests, both publicly and privately held, have been depleted. Much of this has resulted from "clear cutting," where every single tree was cut, irreparably damaging both forests and watersheds. In our National Forests, "sustained yield" has been regularly redefined to permit heavier and heavier harvests. We have now about exhausted the old growth trees which have thus far supplied our timber needs. Now herbicides are advocated as a remedy for the short-sighted management practices of the past.

Unfortunately for the lumber industry and their allies in the Forest Service, herbicides will not bring back the "old growth" timber that we need. That will continue to come from further north, from Oregon, Washington, Canada and Alaska. What herbicide spraying will do is to allow another round of short-sighted exploitation. Herbicide spraying will grow forests of poor-quality trees suitable for paper pulp, particle board and export, but not for our domestic timber needs.

If herbicides are a threat to streams and fisheries, they pose an even more immediate threat to plant, animal and human habitats. The elimination of the undergrowth eliminates the wildlife habitat and consequently the wildlife. From the lowliest bugs on up through the food chain, wildlife will vanish as the foundations of the food chain are destroyed.

The elimination of commercially undesirable undergrowth turns forests into monocrop plantations similar to other large-scale agriculture. As Adams notes, agriculture has used 2,4-D for over forty years. What Adams fails to note, however, is that in agriculture the use of herbicides is part of integrated programs which include pesticides and synthetic fertilizers. With the clearing of the undergrowth and the attendant insect, bird and animal communities, the forest is robbed of its ability to resist pests. As surely as in other areas of monocrop agriculture, pesticides will be required to protect the denuded forests from the inevitable pests.

Today much more diverse communities based on agriculture, recreation and retirement exist, and opposition to herbicide spraying will probably increase. In due course, federal preemption will no doubt result in order to override local objections. Yet in the slow development of more diverse communities and interests in our rural areas there may be hope. For there is much more at stake here than just a narrow question of residual toxicity.

MIGNON GREGG
Professor of Government
CSU Sacramento

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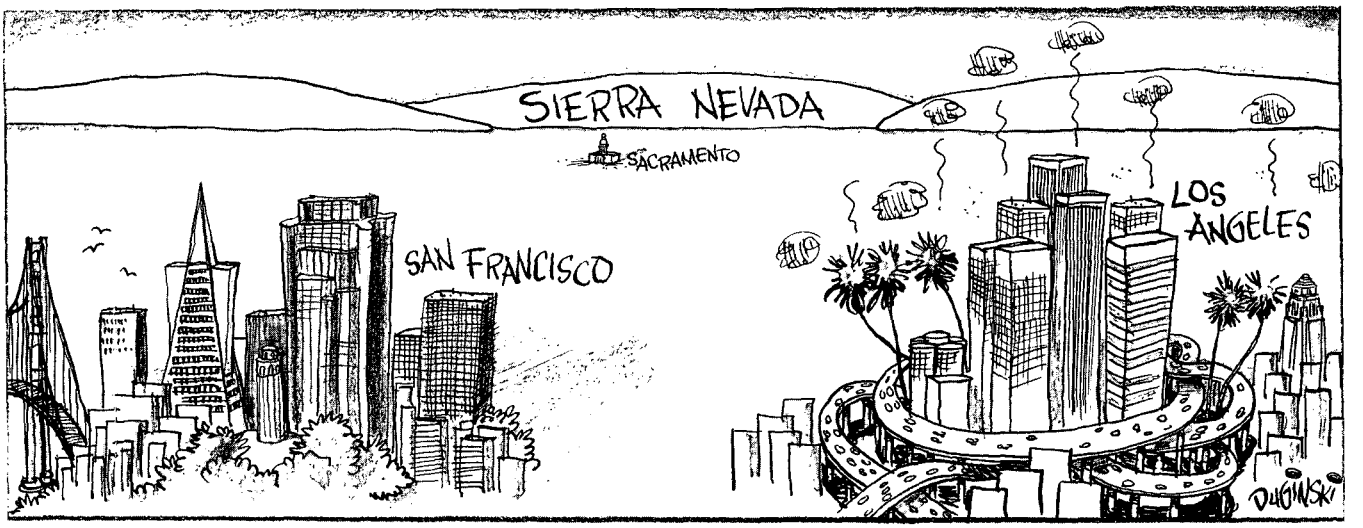
State politics not exactly prime-time news in California



By CARL JENSEN

A Californian's chances of knowing what is happening in state government are not very good if he must rely on television or on any but a few of the state's newspapers. For while California may be the high-tech capital of the world, when it comes to news coverage of what's happening in its own capital, it's still inventing the wireless.

Over the years, as a self-appointed media watchdog, I have wondered about the quantity and quality of coverage of state politics that the media provides. At best, coverage of the state political scene appears to be cyclical. The Capitol seems to attract substantial media attention only during the annual budget deadline marathon, or the quadrennial gubernatorial contest, or on the inauspicious occasion when some scandal arises. Of course, a media-manipulating governor, who drives a Plymouth instead of riding in a limo, tends to attract more consistent media coverage to Sacramento than a lackluster, non-manipulating governor like what's-hiz-name.

However, the full extent of the media's lack of interest in Sacramento didn't strike me until last spring when a group of students in my advanced communications studies seminar at Sonoma State University analyzed page-one news coverage in some newspapers. California papers included in the study were *The Los Angeles Times, San Francisco Chronicle, Napa Register, Petaluma Argus-Courier, San Rafael Independent Journal,* and *Santa Rosa Press Democrat.*

The analysis, which covered 23 weekday editions of the newspapers during March of 1983 , revealed that state political news ranks near the bottom of a list of some 21 separate categories of news. In fact, there were just 11 front page stories on state politics out of the more than 900 page-one stories which appeared in the six newspapers during that 23-day period.

Intrigued by the apparent lack of interest in what's happening in Sacramento, I followed up with a survey of state political figures to explore their perception of the quality of coverage. Altogether, I surveyed seven top constitutional offices and 59 state agencies; a total of 38 valid responses were received for a response rate of 58 percent.

Although newspapers as a category passed, television news failed totally. As noted in the table below, just over five percent of the respondents felt that newspapers provided excellent coverage while not a single respondent gave TV an excellent rating.

TABLE 1.
PRESS COVERAGE OF STATE GOVERNMENT

QUALITY OF COVERAGE	NEWSPAPERS	TELEVISION
EXCELLENT	5.3%	0.0%
GOOD	55.3	10.5
FAIR	31.6	39.5
POOR	7.9	50.0

Joe Sheehan, information officer for the Department of Fish and Game, suggested that the public was partially responsible for the overall lack of communications. "Given the population mix of the state, and its ethnic, cultural, economic, and sociological differences, the coverage probably reflects a lack of widespread interest among readers, listeners and watchers," Sheehan said.

Top newspapers

The respondents also were asked to select the top three California newspapers for state political news. Inasmuch as many of the respondents live in Sacramento and work

Carl Jensen, Ph.D., a former journalist, publicist and ad man, is professor of Communication Studies at Sonoma State University.

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in or around the Capitol, one would expect them to be biased in favor of papers that are well circulated there (which would include *The Los Angeles Times*). However, given the respondents' responsibilities and media awareness, one would also expect them to be familiar with media content elsewhere in the state. In any case, here are the results:

TABLE 2.
BEST NEWSPAPERS FOR STATE POLITICAL NEWS

SACRAMENTO BEE	94.7%
LOS ANGELES TIMES	92.1
SACRAMENTO UNION	42.1
SAN FRANCISCO CHRONICLE	23.7
SAN JOSE MERCURY	13.2
SAN DIEGO UNION	10.5
SAN FRANCISCO EXAMINER	7.9

(It should be noted that 12 percent of the respondents indicated that after the *Bee* and *The Times*, there was no third choice among the state's newspapers.)

Among California's television stations, only four received any substantial recognition for coverage of state political news. The top choice was KCRA-TV, Sacramento, while two other Sacramento stations, KOVR and KXTV, ranked second and third. The fourth-ranked station was KRON-TV in San Francisco. Several respondents noted that, at the time the poll was taken in March 1983, KRON-TV was the only non-Sacramento station that maintained a news bureau in the state's capital. Since then, KGO-TV in San Francisco has also opened a Capitol bureau.

Jim Smith, general manager of KRON-TV, noting that his station also has a news bureau in Washington, D.C., said, "We elect people from the Bay area to represent us in Sacramento and Washington and the only way to make them answerable for their actions is for us to be on the scene." Smith said the expense of maintaining both bureaus is close to a million dollars a year and suggested that such costs may be the reason other stations don't have such bureaus.

Robin Brett, communications director for the state Department of Developmental Services, felt it was unfortunate that all the Sacramento bureaus of California TV stations, with the exception of KRON-TV, have closed. "Cal-

All the news that's fit to summarize

Legend has it that President John F. Kennedy was a news junkie who blitzed through eight to ten major daily newspapers every morning before breakfast. It is said that Kennedy, a speedreader, was later able to recall bits of political trivia from those papers and tell his staff how one account of a story in *The Washington Post* differed from that in *The New York Times* or *Des Moines Register*. Not that he did this as a game; Kennedy wanted to know how different papers from around the country played the same event.

Like Kennedy, Governor George Deukmejian has been described by members of his staff as a "news junkie." Deukmejian, however, doesn't need a speed reading course. Instead, he has a news summary prepared by his staff and placed before him every day around noon.

Averaging 30 pages, the summary is composed largely of xeroxed clippings of news stories about the governor and his policies, political personalities, hot issues of the day and various bills working their way through the Legislature. Normally, if several papers carry accounts of the same event, only the most comprehensive version is put into the summary. On some of the more heated issues — like the recent dispute over community college funding — all stories are included to see how different papers report it. There is a final page summarizing television news from Sacramento stations.

There are also editorials, columns and letters-to-the-editor from the state's 12 or 13 largest papers. According to the governor's press secretary, Larry Thomas, the summary includes any editorial that has the governor's name in it — whether it supports or pans the administration. The most frequently included columnists are Dan Walters of *The Sacramento Union* and Marty Smith of *The Sacramento Bee*.

The summary is prepared by Nancy Kowalski and Mark Fletcher who work for communications director Doug Watts. Kowalski says it takes about four hours a day to prepare. Papers culled are the *Sacramento Bee* and *Union; Los Angeles Times, Herald-Examiner* and *Daily News; San Francisco Chronicle* and *Examiner; Orange County Register; San Diego Tribune* and *Union; Oakland Tribune;* and *San Jose Mercury-News*. And of course, there's the *Long Beach Press-Telegram* — not one of your circulation giants but a sentimental favorite. According to the governor's press secretary, Larry Thomas, members of the staff are also urged to add items about the administration from smaller papers and from national publications like *Time Magazine* — or *Forbes*. The finished product is distributed to cabinet members and senior staff in addition to the governor.

And when the governor is on the road? According to Thomas, if Deukmejian is in California, bound for a speaking engagement or appearance, he'll read a paper from the area he's travelling to. Out of state, he still reads a local paper. "He really enjoys reading newspapers," Thomas says.

The governor's news summary is one of five published daily in the Capitol. The other four — nearly identical to the governor's — are pieced together by the Assembly speaker's office (for Assembly Democrats), Assembly Republican Caucus (Assembly Republicans), and Senate president pro tempore's office (Senate Democrats) and Senate Republican Caucus (Senate Republicans).

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ifornians are being deprived of important information regarding their representation in the state Capital," Brett said.

Only two of the respondents appeared concerned with any political bias in the coverage. Bruce Turbeville, chief information officer for the California Department of Forestry, said some stories were tainted due to the political leanings of editors. Another respondent criticized journalists for their "closeness" to some legislators and their "advocacy" reporting.

The concern with inadequate coverage of the Capitol is not a new one. Rather, this latest research confirms that despite changing political parties and social issues, there just doesn't seem to be much media interest in Sacramento.

Fifteen years ago, William L. Rivers and David M. Rubin from the Department of Communication at Stanford University, took a close look at how newspapers covered a variety of subjects. At that time a single category — which included local, county, and state politics — was found to be among the least-covered subjects.

Since this is an election year, we can expect to see more state and other political news than we normally do. However, it probably will be the same kind of horse-race news that campaigns receive — a daily handicap of who or what is out front according to the latest polls.

Lieutenant Governor Leo McCarthy sees danger in such coverage. "I believe that the drive for meaningful election reform depends upon the ability and desire of the news media to carry the burden of informing the public about candidates and issues," McCarthy says. "So long as quick-and-slick television spots and direct-mail hit pieces dominate politics and provide most of the information upon which the public bases its votes, we are in real trouble."

The explanation for the extraordinary failure on the part of the media to cover the inner workings of the nation's most heavily populated state may not be a sinister one but simply a matter of geography. As one respondent noted, "The further south one goes, the less coverage." In other words, Sacramento — isolated in the north-central hinterlands — is simply too far from the state's major media centers of Los Angeles and San Francisco.

Given the fact that the press tends to report what happens where the press is and not necessarily where the news is, one solution would be to move the state capital to either Los Angeles or San Francisco. I suspect we would see an immediate and significant increase in the amount of coverage given state politicians and issues. But I'm not holding my breath for that to happen. Meanwhile, we must continue prodding the press to recognize the importance of telling citizens about activities under the Capitol's golden dome. Not only are those activities important, many of them are even interesting.

NEW IN PRINT

California Policy Choices, 1984, edited by John J. Kirlin and Donald R. Winkler, Sacramento Public Affairs Center, USC School of Public Administration, 921 11th Street, Suite 200, Sacramento 95814. 1984. 275 pp. In the first of an annual series on policy choices in state and local government, the authors conclude that leaders often make crucial decisions based on a misunderstanding of issues. $12.95, plus tax and $2.00 postage. Order from the University of Southern California, P.O. Box 77538, Los Angeles 90007.

"1983 Fundraising Tops $16 Million," Fair Political Practices Commission, 1100 K Street, P.O. Box 807, Sacramento 95804. 25 pp. Documents fundraising activities by state elected officials, who raised more than $16.4 million in campaign contributions in 1983, including more than $14.3 million by legislators and nearly $2.1 million by constitutional officers.

The State of California Can Improve the Control of Its Financial Operations, Office of the Auditor General, 660 J Street, Suite 300, Sacramento 95814. 1984. 212 pp. single copy, no charge. Additional copies $2.00. "The state continues to lose millions of dollars each year because state agencies do not adequately pursue amounts owed to the state, do not adequately monitor payroll and other disbursements and do not maintain sufficient equipment records."

California Media Directory, 1984, P.O. Box 421367, Sacramento 95842. 1984. 74 pp. $23.26 (including tax and postage). Includes newspapers, magazines, radio and television stations, cable TV companies, wire services, news agencies, a partial listing of newsletters, and the names of editors, news directors, and principal news personnel for most listings. Does not include the Capitol press corps.

Crime in Selected California Law Enforcement Jurisdictions, January through December 1983, Department of Justice, Bureau of Criminal Statistics, P.O. Box 13427, Sacramento 95813. March, 1984, 10 pp. Documents a 5.6 percent decrease in the state's crime index, which measures six felony offenses.

School Attendance Improvement: A Blueprint For Action, Department of Education, P.O. Box 271, Sacramento 95802. 1984. $2.75. Contains the results of a pilot study involving 32 schools to identify strategies to improve school attendance.

California Hospital Association Membership Directory, CHA, 1023-12th Street, Sacramento 95805. 1984. 80 pp. $25.00 to non-members. A directory of hospitals, multi-hospital organizations, and state and national health-related and professional organizations.

Legislative Candidates Defeated in The 1982 General Election, Fair Political Practices Commission, 1100 K Street, P.O. Box 807, Sacramento 95804. 1984. 490 pp. Documents 1982 campaign contributions to legislative candidates who lost elections. Of the $9,612,085 received by losing candidates, 32.9 percent was provided by business interests.

The State of California Should Do More to Reduce and Prevent Contamination of Water Supplies, Office of the Auditor General, 660 J Street, Suite 300, Sacramento 95814. 103 pp. Single copy, no charge. Additional copies $2.00. "The need for a consistent and effective regulatory program is evidenced by the continuing reports of water contamination throughout the state" and the fact that state and regional water quality boards have made little improvement in regulating the discharge of waste.

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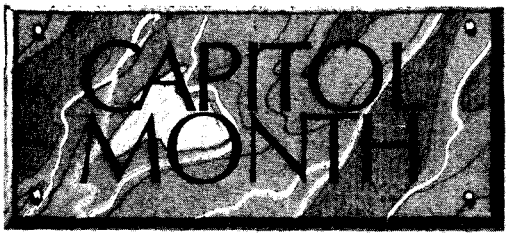

(A summary of major events during the preceding 30 days)

A NEW SUPREME COURT JUSTICE

(April 6th) — Malcolm Lucas was sworn in as Governor Deukmejian's first Supreme Court appointee, with Deukmejian himself administering the oath of office during a Los Angeles ceremony. Lucas, the governor's former law partner, was a federal district judge. The appointment, which drew wide praise, was confirmed by a unanimous vote of the Commission on Judicial Appointments, chaired by Chief Justice Rose Bird.

ALL THE GOVERNOR'S MEN

(April 4th) — At his first news conference since January, Governor George Deukmejian scolded the press for covering a recent flow of allegations against several of his appointees without also looking into the motives of those who have been making the charges. The charges, some of which come from anonymous sources, have involved General Services Director W.J. "Tony" Anthony (misuse of state travel funds), Veterans Affairs director Andreas Mendez (raising campaign funds and pocketing money in exchange for promises of state jobs), Little Hoover Commission appointee M. Lester O'Shea (offensive remarks about Jews and blacks in a 1980 book), Parks Director William Briner (racial slurs) and Tahoe Regional Planning Agency board member Alexander Haagan III (excessive travel expenses).

EDUCATION REFORM AND TEACHER UNIONS

(April 4th) — Governor Deukmejian also used his news conference to complain that some teacher unions have stymied implementation of education reforms passed last year by the Legislature (SB813). The governor said that unions have used the reforms as bargaining chips during salary negotiations, remarks that brought a sharp response from the superintendent of public instruction, Bill Honig. Calling the charge "shameful demogoguery," Honig defended the teachers' right to negotiate details when implementing those reforms.

GROWERS AND THE ALRB

(April 4th) — A victory by growers in the 4th District Court of Appeal meant that growers and farm workers each won one and lost one during the past 30 days. On March 27th, farm workers scored when an administrative law judge declined to approve a wage-dispute settlement negotiated by David Stirling, Deukmejian-appointed general counsel to the ALRB. The judge said workers were entitled to about $1 million more than Stirling got for them. The growers' victory occurred when the appeals court overturned an ALRB decision involving 1979 contract talks with the UFW. The ruling involved several cases where back pay and other "make whole" damages had been estimated at $20 million.

SON OF THE PERIPHERAL CANAL

(March 29th) — The tug-of-war over Northern California water revived when Governor Deukmejian proposed a $250 million water project. It's been only two years since voters rejected the Peripheral Canal, and the governor's plan calls for, among other things, construction of the top-third of that Canal to help ship northern water to the south. The govenor's plan was greeted by charges that the project is a pay-off to ag interests who pumped nearly $1 million into his 1982 election coffers. Northern legislators complained about the lack of environmental protections for North Coast Rivers, the Sacramento-San Joaquin Delta or San Francisco Bay. Although he promised to work with lawmakers to resolve those issues, the governor hinted that existing law allows him to build some of the project — notably, that 12-mile channel — without legislative approval. The governor's plan is detailed in a bill (SB1369) carried by Democratic Senator Ruben Ayala of Chico who also led the fight for the Peripheral Canal.

A $2 BILLION BUDGET SURPLUS PREDICTED

(March 28th) — The Commisson on State Finance predicted that California's booming economy will produce a $2 billion treasury surplus by the end of 1984-85. The news was greated with some skepticism and with some wrangling over how to spend the money.

DEUKMEJIAN GETS A HOME

(March 27th) — Governor Deukmejian confirmed that he and his family will finally be able to live full-time in Sacramento. A non-profit foundation, using money left over from the governor's inaugural, has bought a $397,000, four-bedroom official residence in an exclusive area near the ill-fated mansion built by former Governor Reagan. The Deukmejians are expected to move in this spring under an agreement whereby the house is leased free-of-charge to the state. Future governors will also be able to use it as an official residence.

JOHNSON-DOOLITTLE FALLOUT

(March 22nd) — A group of GOP county chairmen demanded that two of the brethren — Roy Brophy of Sacramento and Mike Montgomery of South Pasadena — be tossed out of the party for supporting independent Ray Johnson, a former Republican, in the 1st Senate District. Montgomery is a former party state chairman; Brophy is a member of the party's state central committee and a trustee of California State University. Another Johnson supporter, Assemblyman Stan Statham of Redding, was spared the chairmen's wrath because party by-laws protect lawmakers from ostracism. The governor opposes any ouster.

A SET-BACK FOR WOMEN

(March 19th) — A federal district judge in Los Angeles dealt the women's-rights movement a set-back when he overturned as discriminatory a state law requiring women be given their jobs back when they return from maternity leave. Judge Manuel Real declared that the 1978 law, authored by Democratic Assemblywomen Maxine Waters of Los Angeles, granted unequal medical-leave benefits to men and women. Attorney General John Van de Kamp will appeal the ruling on behalf of the state Commission on Fair Employment.

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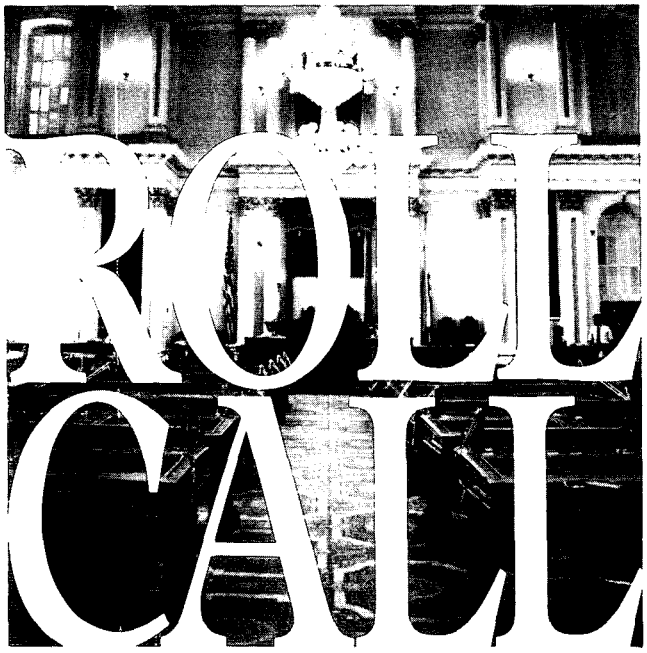

A defeated bill often has more votes in favor than against. This occurs because all bills, on the floor and in committee, need at least an absolute majority to pass. Thus, a bill may be approved 40-28 in the 80-member Assembly but be defeated because it failed to get the 41-vote majority. Urgency, appropriation and tax measures require two-thirds majorities on the floor, as do proposed constitutional amendments and veto overrides.

ASSEMBLY

BALLOT INITIATIVES

AB 780 (Robinson). Increases the filing fee from $200 to $1000 to circulate an initiative petition for statewide ballot. Proponents contend that higher filing fees will discourage frivolous ballot proposals. Critics say the measure will make it more difficult for citizens to use the initiative process. Passed March 26th, 41-34. (Vetoed by the governor on April 6th.)

DEMOCRATS FOR: Agnos, Areias, Bane, Bronzan, Willie Brown, Calderon, Campbell, Chacon, Clute, Cortese, Costa, Davis, Elder, Farr, Floyd, Harris, Hauser, Hughes, Isenberg, Johnston, Killea, Klehs, Margolin, Molina, Moore, Moorhead, Papan, Peace, Robinson, Roos, Tanner, Tucker, Vicencia, Young.

REPUBLICANS FOR: Bergeson, Bradley, Johnson, Lancaster, Leonard, Mojonnier, Stirling.

DEMOCRATS AGAINST: Bates, Condit, Connelly, Hannigan, Hayden, Katz, McAlister, O'Connell, Sher, Norman Waters.

REPUBLICANS AGAINST: Allen, Bader, Baker, Dennis Brown, Felando, Filante, Frazee, Frizzelle, Herger, Jones, Kelley, Konnyu, La Follette, Lewis, McClintock, Mountjoy, Naylor, Nolar, Rogers, Seastrand, Sebastiani, Statham, Wright, Wyman.

TAX CONFORMITY

AB 2215 (Hannigan). Partially conforms the state income-tax law to selected 1983 federal income-tax changes, including those affecting the elderly and the disabled. Proponents underscore the need for feceral conformity and the addition of $500,000 in tax revenues annually. Critics do not agree with certain tax-conforming provisions of bill. Passed March 19th, 49-23.

DEMOCRATS FOR: Agnos, Alatorre, Bane, Bates, Bronzan, Willie Brown, Calderon, Campbell, Chacon, Clute, Connelly, Cortese, Costa, Davis, Elder, Farr, Floyd, Goggin, Hannigan, Harris, Hauser, Hayden, Hughes, Isenberg, Johnston, Katz, Klehs, Margolin, Molina, Moorhead, O'Connell, Papan, Robinson, Roos, Sher, Tanner, Tucker, Vicencia, Norman Waters, Young.

REPUBLICANS FOR: Bader, Hill, Johnson, Jones, Konnyu, McClintock, Naylor, Statham, Wright.

DEMOCRATS AGAINST: Peace.

REPUBLICANS AGAINST: Allen, Baker, Bergeson, Bradley, Dennis Brown, Felando, Filante, Frazee, Frizzelle, Herger, Kelley, La Follette, Lancaster, Leonard, Lewis, Mojonnier, Mountjoy, Nolan, Seastrand, Sebastiani, Stirling, Wyman.

ADOPTION RECORDS

AB 2493 (Campbell). Permits an adoptee 18 years and older to request medical information from the appropriate state or local agencies regarding his natural parents. Supporters argue that this change is medically necesesary. Most opponents do not favor the disclosure of adoption information to adoptees. Passed March 19th, 59-13.

DEMOCRATS FOR: Agnos, Alatorre, Bane, Bates, Bronzan, Willie Brown, Calderon, Campbell, Clute, Connelly, Cortese, Costa, Davis, Elder, Farr, Floyd, Goggin, Hannigan, Harris, Hauser, Hayden, Hughes, Johnston, Katz, Killea, Klehs, Margolin, McAlister, Molina, Moore, Moorhead, O'Connell, Papan, Peace, Robinson, Roos, Sher, Tanner, Tucker, Vicencia, Norman Waters, Young.

REPUBLICANS FOR: Bader, Bradley, Dennis Brown, Felando, Filante, Frazee, Frizzelle, Herger, Hill, Jones, Konnyu, La Follette, McClintock, Mojonnier, Statham, Stirling, Wright.

DEMOCRATS AGAINST: None.

REPUBLICANS AGAINST: Allen, Baker, Bergeson, Johnson, Kelley, Lancaster, Leonard, Lewis, Mountjoy, Nolan, Rogers, Sebastiani, Wyman.

OLYMPIC GAMES

AJR 94 (Roos). Requests that the president and Congress extend an official welcome to all nations invited to participate in the 1984 Summer Olympics. Supporters, for the most part, feel Olympic participants shouldn't be penalized for the political acts of their governments. Opponents support ousting Soviets from participation in the games. Passed March 15th, 56-13.

DEMOCRATS FOR: Agnos, Alatorre, Areias, Bane, Bates, Bronzan, Willie Brown, Calderon, Campbell, Chacon, Clute, Condit, Connelly, Cortese, Costa, Davis, Elder, Farr, Hannigan, Harris, Hauser, Hayden, Hughes, Isenberg, Johnston, Katz, Killea, Klehs, Margolin, Molina, Moore, Moorhead, O'Connell, Papan, Robinson, Roos, Sher, Tanner, Tucker, Vicencia, Norman Waters, Young.

REPUBLCANS FOR: Allen, Bader, Bergeson, Frazee, Hill, Jones, Kelley, Konnyu, Lancaster, Leonard, Mojonnier, Statham, Stirling, Wright.

DEMOCRATS AGAINST: McAlister.

REPUBLICANS AGAINST: Baker, Felando, Filante, Frizzelle, Herger, Johnson, Lewis, Mountjoy, Naylor, Seastrand, Sebastiani, Wyman.

CAMPAIGN PRACTICES

AB 406 (Davis). Makes candidates who refuse to sign a fair campaign-practices agreement ineligible to receive funds from the California Election Campaign Fund. Proponents say the measure will reduce unfair campaign practices. Critics question the effectiveness of a voluntary campaign code of ethics. Passed March 12th, 51-20.

DEMOCRATS FOR: Agnos, Alatorre, Areias, Bane, Bates, Bronzan, Willie Brown, Calderon, Campbell, Chacon, Clute, Condit, Connelly, Cortese, Costa, Davis, Elder, Goggin, Hannigan, Harris, Hauser, Hayden, Hughes, Isenberg, Johnston, Katz, Killea, Klehs, Margolin, Molina, Moore, Moorhead, O'Connell, Papan, Peace, Roos, Sher, Tanner, Tucker, Vasconcellos, Vicencia, Maxine Waters, Norman Waters.

REPUBLICANS FOR: Bader, Bergeson, Bradley, Frazee, Hill, Johnson, Jones, Statham.

DEMOCRATS AGAINST: McAlister, Robinson.

REPUBLICANS AGAINST: Baker, Dennis Brown, Felando, Filante, Frizzelle, Herger, Kelley, Konnyu, Lancaster, Leonard, Lewis, McClintock, Mountjoy, Rogers, Seastrand, Sebastiani, Stirling, Wyman.

JOB DISCRIMINATION

AB 1 (Agnos). Makes it unlawful for employers to discriminate on the basis of a person's sexual orientation. Proponents believe

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that homosexuals, as a class, are entitled to the same civil rights protections as other groups. Opponents fear that equal employment rights for gays will, among other things, lead to an increase in the incidence of AIDS. Passed March 1st, 42-35.

DEMOCRATS FOR: Agnos, Alatorre, Areias, Bane, Bates, Bronzan, Willie Brown, Calderon, Campbell, Chacon, Connelly, Costa, Davis, Elder, Farr, Floyd, Goggin, Hannigan, Harris, Hauser, Hayden, Hughes, Isenberg, Johnston, Katz, Killea, Klehs, Margolin, Molina, Moore, O'Connell, Papan, Robinson, Roos, Sher, Tanner, Tucker, Vasconcellos, Vicencia, Maxine Waters, Young.

REPUBLICANS FOR: Filante.

DEMOCRATS AGAINST: Condit, McAllister, Moorhead, Norman Waters.

REPUBLICANS AGAINST: Allen, Bader, Baker, Bergeson, Bradley, Dennis Brown, Felando, Frazee, Frizzelle, Herger, Hill, Johnson, Jones, Kelley, Konnyu, La Follette, Lancaster, Leonard, Lewis, McClintock, Mojonnier, Mountjoy, Naylor, Nolan, Rogers, Seastrand, Sebastiani, Statham, Stirling, Wright, Wyman.

NUCLEAR WEAPONS

AJR 76 (Vasconcellos). Asks U.S. Senate to approve measures implementing a nuclear-weapons freeze. Proponents seek to focus public attention on the threat of nuclear war. Critics oppose any nuclear-weapons ban and argue that this issue does not properly belong before the Legislature. Passed March 1st, 45-23.

DEMOCRATS FOR: Agnos, Alatorre, Areias, Bane, Bates, Bronzan, Willie Brown, Calderon, Campbell, Chacon, Clute, Condit, Connelly, Cortese, Costa, Davis, Elder, Farr, Floyd, Hannigan, Harris, Hauser, Hayden, Hughes, Isenberg, Johnston, Katz, Killea, Klehs, Margolin, Molina, Moore, Moorhead, O'Connell, Papan, Peace, Roos, Sher, Tanner, Tucker, Vasconcellos, Vicencia, Maxine Waters.

REPUBLICANS FOR: Filante, Statham.

DEMOCRATS AGAINST: McAlister.

REPUBLICANS AGAINST: Allen, Baker, Bergeson, Bradley, Dennis Brown, Felando, Frazee, Frizzelle, Hill, Kelley, Lancaster, Leonard, Lewis, McClintock, Mountjoy, Naylor, Nolan, Rogers, Seastrand, Stirling, Wright, Wyman.

GOVERNMENT REORGANIZATION

AB 1437 (Katz). Abolishes the five state government "super agencies" and requests governor to submit a reorganization plan proposing a cabinet level structure for the executive branch of government. Attempted override of governor's veto failed March 1st, 43-33 (54 votes needed).

DEMOCRATS FOR: Agnos, Alatorre, Areias, Bates, Bronzan, Willie Brown, Calderon, Campbell, Chacon, Clute, Condit, Connelly, Cortese, Costa, Davis, Farr, Goggin, Hannigan, Hauser, Hayden, Hughes, Isenberg, Johnston, Katz, Killea, Klehs, Margolin, McAlister, Molina, Moore, Moorhead, O'Connell, Papan, Peace, Roos, Sher, Tanner, Tucker, Vasconcellos, Maxine Waters, Norman Waters.

REPUBLICANS FOR: Nolan, Stirling.

DEMOCRATS AGAINST: Bane, Elder, Floyd, Harris, Robinson, Young.

REPUBLICANS AGAINST: Allen, Bader, Baker, Bergeson, Bradley, Felando, Filante, Frazee, Frizzelle, Herger, Hill, Jones, Kelley, Konnyu, La Follette, Lancaster, Leonard, McClintock, Mojonnier, Mountjoy, Naylor, Rogers, Seastrand, Sebastiani, Statham, Wright, Wyman.

SENATE

WATERBEDS

SB 1299 (Dills). Prohibits apartment owners from refusing to allow tenants to install waterbeds. Supporters contend that waterbeds are much safer today than when first marketed. Landlords say there is a risk of serious water damage to apartments. Passed February 23rd, 25-9.

DEMOCRATS FOR: Alquist, Boatwright, Carpenter, Deddeh, Dills, Hart, Keene, Lockyer, McCorquodale, Montoya, Petris, Roberti, Rosenthal, Torres, Watson.

REPUBLICANS FOR: Campbell, Craven, Doolittle, Maddy, Marks, Nielsen, Royce, Russell, Seymour, Speraw.

DEMOCRATS AGAINST: Ayala, Foran, Garamendi, Presley, Stiern, Vuich.

REPUBLICANS AGAINST: Beverly, Ellis, Richardson.

BALLOT INITIATIVES

AB 780 (Robinson). See description under Assembly votes. Passed February 17th, 24-2.

DEMOCRATS FOR: Alquist, Boatwright, Carpenter, Dills, Foran, Garamendi, Leroy Greene, Hart, Keene, Lockyer, Presley, Roberti, Stiern, Torres, Watson.

REPUBLICANS FOR: Beverly, Campbell, Craven, Davis, Ellis, Johnson (Ind.), Maddy, Richardson, Russell.

DEMOCRATS AGAINST: None.

REPUBLICANS AGAINST: Marks, Royce.

JOB DISCRIMINATION

AB 1 (Agnos). See description under Assembly votes. Passed February 16th, 22-16.

DEMOCRATS FOR: Carpenter, Deddeh, Dills, Foran, Garamendi, Bill Greene, Leroy Greene, Hart, Keene, Lockyer, McCorquodale, Mello, Petris, Robbins, Roberti, Rosenthal, Torres, Watson.

REPUBLICANS FOR: Beverly, Davis, Maddy, Marks.

DEMOCRATS AGAINST: Alquist, Ayala, Boatwright, Presley, Stiern, Vuich.

REPUBLICANS AGAINST: Craven, Doolittle, Ellis, Johnson (Ind.), Nielsen, Richardson, Royce, Russell, Seymour, Speraw.

ROSTER UP-DATE

Listed below are recent changes and corrections in the **California Journal Roster** published in the February 1984 issue.

Page 2 Governor's office:

Gilbert Montano has resigned as director of the Office of Economic Opportunity; Chon Gutierrez has been named interim director.

As of June 1st, the address of The Office of Criminal Justice Planning will be 1130 K Street, Sacramento, CA 95814.

Huston Carlyle has been named permanent director of the Office of Planning and Research.

Page 3:

Don Carper has resigned as director of the Department of Fish and Game; Jack Parnell becomes director.

Page 4:

Ronald Kurtz has resigned as executive director of the State Personnel Board. His successor is Charles Walters.

Page 5:

Debbie Hesse replaces Harry Gluck as chair of PERB.

Ron Rinaldi has been named permanent director of the Department of Industrial Relations.

Margaret Almeda replaces Helyne Meshar as executive director of the Commission on the Status of Women.

Raymond Barsch has replaced Eldon Rinehard as general manager of the Reclamation Board; Rinehard remains as chief engineer.

Page 11:

The name of the Senate Health and Welfare Committee has been changed to the Senate Health and Human Services Committee.

Page 12:

Democrat Johnston has been named to the Assembly Housing and Community Development Committee. Democrat Calderon has been added to the Assembly Education Committee.

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Perspective from WASHINGTON

By Leo Rennert

The Meese affair

The Reagan White House, which has raised political packaging to a fine art, was not prepared to deal with a mushrooming crisis when the wrapping came apart on Ed Meese's nomination for attorney general. Normally, the president's men are tops in choreographing important moves. But in Meese's case, they quickly lost control of events. The script called for Meese to leave his job as presidential counselor and move over to the Justice Department after a bumpy but manageable Senate confirmation fight. Once installed at Justice, he could be groomed as the next Supreme Court appointee during a second Reagan term. Instead, Meese was forced on the defensive by damaging disclosures about financial help he received from California friends who later got federal jobs. The nomination was put on hold while a special prosecutor was called in to conduct an extensive probe. The White House, hunkering down for a long siege, kept waiting for the other shoe to drop.

TO MAKE MATTERS WORSE, Democrats turned the Meese affair into a metaphor of the administration's repeated difficulties with officials accused of unethical or illegal conduct. Richard Allen, Reagan's first national security adviser, was forced to leave after 10 $100 bills were discovered in his White House safe. Allen said he intercepted the money from Japanese journalists who wanted to make a gift to Nancy Reagan, but forgot to turn it into the Treasury. Central Intelligence Director William Casey, instead of putting all his assets in a blind trust, traded more than $3 million in stock in 1982, prompting Democrats to charge that he may have benefited from his agency's advance knowledge of market movements. Anne Burford, who headed the Environmental Protection Agency, was forced out with many other EPA officials after an outcry about sweetheart deals with industrial polluters. Several second- and third-level department executives were found to have misused government funds and facilities. Some had to return thousands of dollars; others quit. In each instance, however, the storm eventually blew over and the White House could rest easy in the belief that the transgressions probably would be forgotten by next November.

Meese's difficulties changed all that. As one of Reagan's most trusted lieutenants and closest confidants, he was not a run-of-the-mill target whose troubles were apt to fade after a few headlines. He was too visible, too prominent. Democrats saw a grand opportunity and moved in. Meese, an ardent foe of Great Society programs, had questioned how many people were really hungry in America. Here was a chance to turn the screws against the White House on the fairness issue by showing how Meese solved his financial problems with the help of wealthy friends.

If he fell 15 months behind on mortgage payments, Great American Federal Savings in San Diego did not foreclose but lent him more money. Two of the bank's officers, Gordon Luce and Edwin Gray, became, respectively, alternate delegate to the United Nations and chairman of the Home Loan Bank Board. Edwin Thomas, another helpful friend, provided a $15,000 loan so Meese's wife, Ursula, could buy stock for their children. Meese said he forgot to disclose the loan, as required by the Ethics in Government Act. Thomas, his wife and son ended up in government posts. Meese claimed there never was a quid-pro-quo and accused his critics of engaging in smear tactics. The disclosures, however, revealed an all-too-cozy interplay between well-heeled Californians and the top echelons of the White House. Even without a smoking gun, the Meese story confirmed F. Scott Fitzgerald's observation that "the rich are different from you and me." Said former Watergate Prosecutor Archibald Cox: "The appearance of impropriety is all too obvious."

Democrats used Meese as the focal point in political ads that accused Reagan of presiding over a scandal-tainted administration. Through Meese, the opposition was able to revive memories of Allen, Casey, Burford and all the rest who also had come under a cloud. On the campaign trail, Democratic presidential contenders began talking about a "sleaze factor." Republican congressional leaders were getting nervous and signaled the White House that Meese should step aside to spare the party further damage. Former President Ford offered similar advice.

At the White House, Reagan seemed determined to tough it out. For one thing, he could see nothing wrong in Meese's conduct. The president always has felt serenely comfortable in the company of rich people. If occasionally a few corners are cut to help a friend in need, that's no reason to create a lot of fuss — particularly when it involves people in the right circles. As Reagan saw it, the attacks on Meese were really directed at him by mischief-making Democrats. He repeatedly expressed full confidence in Meese and gave him additional time to clear his name by persuading Attorney General William French Smith to remain on the job until a successor could be confirmed. Smith was eager to return to his California law practice but bowed to Reagan's wishes.

POLITICAL STUBBORNNESS was not the only factor in Reagan's reaction to Meese's predicament. There was a strong personal bond between the two men dating back to Reagan's governorship in California where Meese served as principal deputy and policy architect for his conservative crusade. A father-son relationship evolved over the years and overrode cold political calculations when the crisis broke. It was not the first time that a president stuck by a close subordinate when political wisdom might dictate otherwise. Jimmy Carter also was trapped by personal loyalty and hurt his presidency when he let Bert Lance, his budget director, stay in office too long. Reagan remarked at the time that Lance's problems with bank overdrafts fueled public resentment about "undue special privilege for a few in high places."

As Special Prosecutor Jacob Stein began to sift through the evidence, the big question was how long Reagan would stand by Meese, particularly if the investigation were to drag on into the fall campaign. There also was considerable puzzlement that Reagan, after receiving high marks for staying clear of scandal in Sacramento, should have dropped his guard in Washington and permitted some of his most trusted associates to muck up his presidency.

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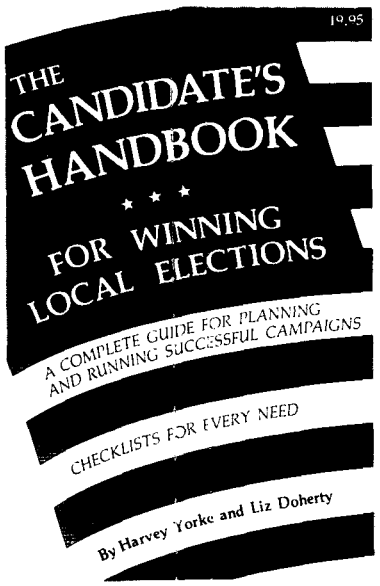

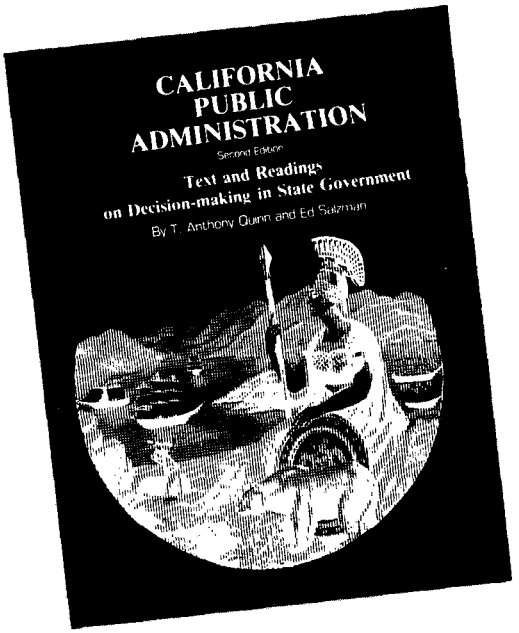

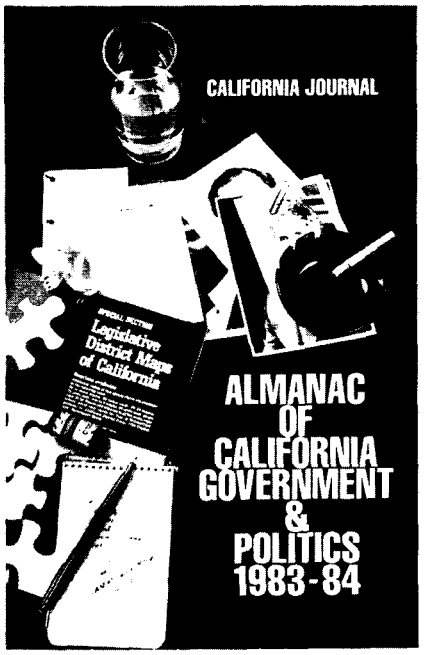

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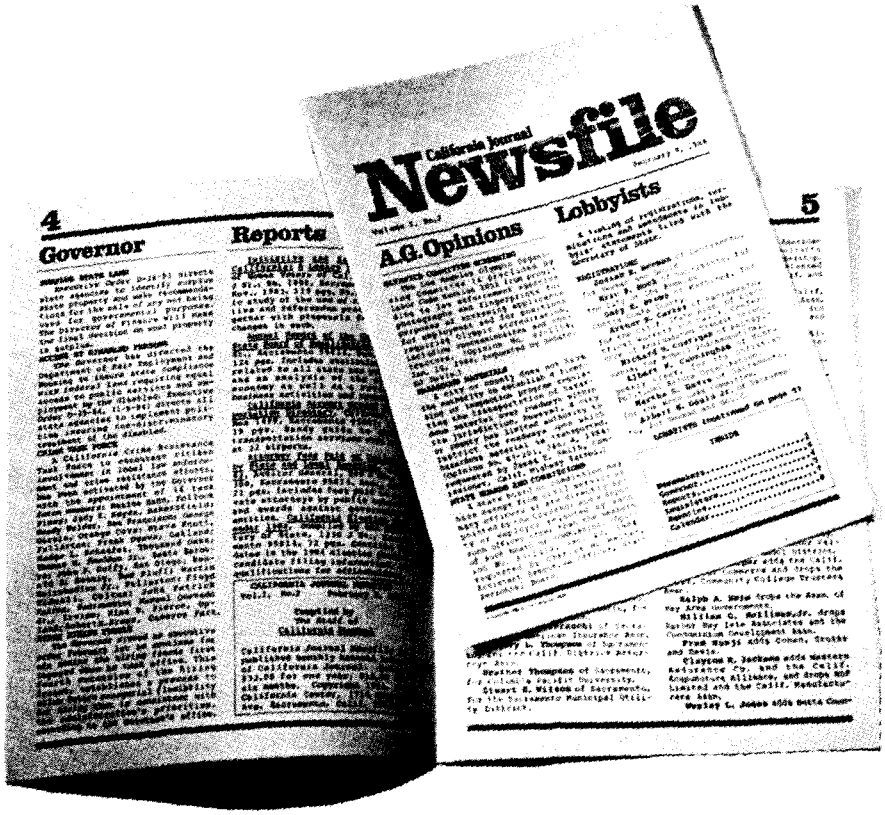

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